the Kerr-Coolidge bill (H. R. 8163), pertaining to aliens, and for the removal of difficulties of becoming American citizens; to the Committee on Immigration and Naturalization.

10651. By Mr. FITZPATRICK: Petition of the Board of Supervisors of the County of Westchester, State of New York, referring to the appropriation for the erection of new armories throughout the United States and especially for the city of Mount Vernon, N. Y.; to the Committee on Military Affairs.

10652. By Mr. HILDEBRANDT: Resolution of the Commercial Club of Tolstoy, S. Dak., restricting the importation of livestock or livestock products from any foreign country harboring foot-and-mouth disease or any other transmissible diseases of livestock which do not now exist in the United States; to the Committee on Interstate and Foreign Commerce.

10653. By Mr. KENNEY: Petition of the Lincoln School Parent-Teacher Association (125 members), endorsing the Federal food and drug bill by Mr. COPELAND (S. 5); to the Committee on Interstate and Foreign Commerce.

10654. Also, petition of the Lincoln School Parent-Teacher Association (125 members), endorsing the Pettengill bill (H. R. 6472) and requesting that it be brought before the House of Representatives for a hearing; to the Committee on Interstate and Foreign Commerce.

10655. Also, petition of the Summit Junior High School Parent-Teacher Association (267 members), endorsing the Federal food and drug bill by Mr. COPELAND (S. 5); to the Committee on Interstate and Foreign Commerce.

10656. Also, petition of the Summit Junior High School Parent-Teacher Association (267 members), endorsing the Pettengill bill (H. R. 6472) and requesting that it be brought before the House of Representatives for a hearing; to the Committee on Interstate and Foreign Commerce.

10657. Also, petition of the William McKinley School Parent-Teacher Association of Camden, N. J. (70 members), endorsing the Neely-Pettengill bill (S. 3012, H. R. 6472), and requesting that it be brought before the House; to the Committee on Interstate and Foreign Commerce.

10658. Also, petition of Local 377, Brotherhood of Painters, Decorators, and Paperhangers of America, unanimously favoring another appropriation by the President to continue Works Progress Administration projects; to the Committee on Appropriations.

10659. Also, petition of the State Council Welfare Committee (over 50,000 members), opposing the Kerr-Coolidge bill and endorsing the Reynolds-Starnes immigration restriction and alien deportation registration bill (H. R. 11172, S. 4011); to the Committee on Immigration and Naturalization.

10660. By Mr. MURDOCK: Resolution of the Board of County Commissioners of Box Elder County, Utah, urging further appropriations for the Public Works Administration; to the Committee on Appropriations.

10661. By Mr. SADOWSKI: Petition of the citizens of Detroit, Mich., endorsing House bill 8540; to the Committee on the Judiciary.

10662. Also, petition of the International Workers Order, endorsing the Frazier-Lundeen social-insurance bill (H. R. 9680); to the Committee on Labor.

10663. Also, petition of the Chamber of Commerce of Detour, Mich., endorsing the building of a bridge across the Straits of Mackinac; to the Committee on Interstate and Foreign Commerce.

10664. Also, petition of 71 members of the International Workers Order, Detroit, Mich., endorsing House bill 9680; to the Committee on Labor.

10665. Also, petition of residents of Detroit, endorsing House bill 8540, introduced by Congressman KENNEY, of New Jersey; to the Committee on the Judiciary.

10666. By the SPEAKER: Petition of the Hornell Chamber of Commerce, Hornell, N. Y.; to the Committee on Flood Control.

10667. Also, petition of the Utah Workers Alliance, Local No. 1; to the Committee on Appropriations.

SENATE

FRIDAY, APRIL 3, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, April 2, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Clark	King	Pope
Austin	Connally	La Follette	Radcliffe
Bachman	Coolidge	Lewis	Reynolds
Bailey	Copeland	Logan	Robinson
Barbour	Couzens	Lonergan	Schwellenbach
Barkley	Davis	Long	Sheppard
Benson	Donahey	McGill	Shipstead
Bilbo	Duffy	McKellar	Smith
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	Gibson	Minton	Townsend
Brown	Glass	Moore	Truman
Bulkley	Guffey	Murphy	Tydings
Bulow	Harrison	Murray	Vandenberg
Byrd	Hastings	Neely	Van Nuys
Byrnes	Hatch	Norris	Wagner
Capper	Hayden	Nye	Walsh
Caraway	Holt	O'Mahoney	Wheeler
Carey	Johnson	Overton	

Mr. LEWIS. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from California [Mr. MCADOO], the Senator from Florida [Mr. TRAMMELL], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Rhode Island [Mr. GERRY] are absent from the Senate because of illness; and that the Senator from Georgia [Mr. RUSSELL], my colleague the junior Senator from Illinois [Mr. DIETERICH], the Senator from Nevada [Mr. MCCARRAN], the Senator from Oklahoma [Mr. GORE], the Senator from Nebraska [Mr. BURKE], and the Senator from Georgia [Mr. GEORGE] are unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON], the senior Senator from Maine [Mr. HALE], the Senator from Rhode Island [Mr. METCALF], the Senator from Oregon [Mr. STEIWER], and the junior Senator from Maine [Mr. WHITE] are necessarily absent.

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. CAPPER presented petitions numerously signed by members of the Women's Study Club, of Hoyt, and members of the Methodist Episcopal Churches of Hoyt and Mayetta, all in the State of Kansas, praying for the enactment of the so-called Neely bill (S. 3012) to prohibit the compulsory block-booking and blind-selling of motion pictures, which were referred to the Committee on Interstate Commerce.

He also presented a letter in the nature of a petition from the Ludell (Kans.) Equity Exchange, praying for the prompt enactment of the bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes, which was ordered to lie on the table.

He also presented letters in the nature of memorials from Star Valley Grange, No. 1661, of Iola; Shawnee Grange, No. 168, of Overland Park; Manhattan Grange, No. 743, of Manhattan; and Fairplain Grange, No. 1719, of Burlingame, all of the Patrons of Husbandry, in the State of Kansas, remonstrating against the enactment of Senate bill

1632, to regulate commerce by water carriers, which were ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by Branch No. 85, International Workers Order, of New York City, N. Y., favoring the enactment of the bill (S. 3475) to provide for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Finance.

WINOOSKI VALLEY FLOOD CONTROL WORKS

Mr. COPELAND presented a report, prepared by the Office of the Chief of Engineers of the Army, relative to flood-control works constructed by the Civilian Conservation Corps in the Winooski Valley of Vermont and the value of such works during the recent flood disasters in averting serious damages in that section, which was ordered to lie on the table.

FLOOD CONTROL

Mr. WAGNER presented a resolution of the Hornell (N. Y.) Chamber of Commerce, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution of Hornell Chamber of Commerce, addressed to the President of the United States, to the Presiding Officers of the United States Senate and the House of Representatives, Senators WAGNER and COPELAND, Congressman COLE, the New York State Flood Control Commission, and the steering committee of the flood-control offices of central-southern New York

Whereas there is being presented to Congress by the Chief of Engineers of the United States Army a report on the flood of July 1935 in central-southern New York and northern Pennsylvania, together with recommendations for certain flood-control work, with estimates of cost therefor and an estimate of the extent to which it is economically justifiable to expend funds, as well as a recommendation that the entire cost of the proposed work to be borne by the respective States; and

Whereas the Hornell Chamber of Commerce is convinced that the flood-damage estimates of the engineers are too low and if these estimates were corrected that their recommendations would be correspondingly revised; and

Whereas the Hornell Chamber of Commerce feels that it is most vital to avoid all possible delay to the institution of the proposed work and that the ultimate goal be accomplished as rapidly as possible: Therefore be it

Resolved, That the Hornell Chamber of Commerce respectfully petitions the President of the United States, the Presiding Officers of the United States Senate and of the House of Representatives, the Senators for New York, the Congressman for the local district, the New York State Flood Commission, and the steering committee of the Flood Control Council of Central-Southern New York to consider the following facts, opinions, and recommendations:

1. Intensive research has developed that general facts relative to floods of the past are most inadequate, particularly with respect to damages sustained, and all estimates of such damage must of necessity be unsatisfactory and far below actual figures. Because of the upward trend in population and the development of agriculture and industry, present-day damage undoubtedly is greater than for similar flood conditions years ago. Continued deforestation has, through erosion and gullying, contributed to the added toll of floods. Reforestation is recommended as part of the control project by this body, with the realization, however, that its effects will not be evident for many years.

2. The estimates of the engineers for the July 1935 flood are too low. The Flood Control Council of Central-Southern New York has estimated for New York State a total of $28,039,577, to which should be added $26,000,000 for soil erosion and the deposits of gravel and stone on farms and residential and industrial property. To these figures should be added estimates of damages in Pennsylvania. We believe that the estimates both of the engineers and the council fall far below the actual ultimate cost to reproduce pre-flood conditions. Actual experience of public officials, of railroad, industrial, and business executives, and private owners has already demonstrated that far greater expenditures will be necessary than has been anticipated. High-water periods since last July have added materially to the damage sustained as well as to the cost of rehabilitation. The high water of March 11–12, 1936, has washed out or undermined many more bridges and highways, has flooded again many farms and residential property, and has greatly aroused the fears of the people, particularly because of the frequency of recent flooding.

3. The engineers report $16,620,000 as the cost for their initial plan, with an additional $17,674,000 for their ultimate plan. They set up $15,000,000 as the amount that can be economically justified. If proper figures were set up for the 1935 flood, we believe that the expenditure for the ultimate plan would be fully justified. At any rate, it would not be sound economy for any agency to spend half the necessary sum for partial relief. Unless a complete, comprehensive plan is accomplished in the very near future, it will be found that flood damage will continue to increase as time goes on, and that a precipitation as was experienced last July would be far more destructive in time to come.

4. The engineers have recommended that no Federal funds be expended on this project. This recommendation is most improper. The President of the United States has shown every indication in favor of such an undertaking, and it is in line with his effort to provide self-liquidating public works in an area where such work is most essential to provide employment. At the President's request Congress made available $200,000 for surveys and studies, which expenditure can only be justified by carrying out the plans to a logical conclusion. The Special Congressional Committee on River Improvement and Flood Control has stated in its report of July 29, 1935: "A program which has for its purpose the protection of these people, their valuable lands, and investments already made in that land certainly should be undertaken at once." And they were not talking on behalf of the States or municipalities. The Federal Government has undertaken many huge flood-control projects in far less populated and industrialized territories, to which the States of New York and Pennsylvania have been the largest contributors. Federal aid is needed here and is well merited as well.

5. The engineers have reported: "Until all of the works proposed under the plan of this report are constructed the area within the July 1935 flood line should be designated as danger zones within which no new construction should be undertaken." This does not agree with their recommendation that only $15,000,000 can be economically justified unless it is assumed that a partial expenditure be made as a mere gesture before this area is to be abandoned.

6. The 16 counties of New York that are affected have an area of 11,705 square miles, a population of 745,468, according to the 1930 census, with an assessed valuation of $810,832,705 and an actual value of over $2,000,000,000. It is most vital to allay the apprehension of the people in this area and avoid a general exodus of individuals and industries.

7. Important Federal highway routes and interstate railroads, utilities, and industries traverse this area.

8. Public safety, health, and well-being should not be underestimated. In this area it is of sufficient importance to merit most serious consideration.

9. The city of Hornell, the county of Steuben, as well as most of the other municipalities in this area, have been expending to the utmost of their financial ability in general flood-control work and maintenance, in the construction of larger bridges, of walls, revetments, slope paving, channel work, dikes, check dams, and other similar construction with constant maintenance of channels. In 1924 the city of Hornell contributed $200,000 as its half of the cost of a State flood-abatement contract. Flood-control work, however, must be undertaken on a general comprehensive plan. Work by individual municipalities are generally expensive for the permanent results obtained, and not very effective.

10. Time is the essence as far as flood-control work is concerned in this area. Plans are available. We urge the Congress appropriate the necessary sum for the ultimate plan of the engineers and that this plan be completed as rapidly as is possible.

FLORIDA SHIP CANAL

Mr. FLETCHER presented a letter from S. H. Christian, of Ocala, Fla., which was ordered to lie on the table and to be printed in the RECORD, as follows:

OCALA, FLA., *March 31, 1936.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

HONORABLE SIR: We appreciate your good fight and hope you will keep it up and we hope that Senator PARK TRAMMELL will do all he can to help you too. All the people in Tampa, Miami, and Sebring are not against the canal, just a few who have a selfish interest. I have talked to quite a few who say they are for it, and you know our election was 98 percent for bonds to buy the right-of-way. We believe our hard fight is with the ones who are against our administration and who want to get all of the glory of doing something they have never done.

When the United States paid $40,000,000 for the French interest and $10,000,000 for a perpetual lease of a strip of land 10 miles wide with a cost of over $375,000,000 originally set aside for it and $250,000 a year for canal privileges, and built the Panama Canal in a Republican administration, many miles away from home, now, when we can save 800 miles of travel by boat with the land donated to our Government, in our own homeland, anyone that would not appreciate the good work our Government is doing giving these 6,500 men employment in this construction who were out of work, and is the cause of that many more getting work because of the construction, is surely selfish. Some of these workmen got their first work, to buy shoes and clothes, on this canal.

We don't believe that our good Government has started any construction work in any State that will do more good and be of more service, and less selfish, than the construction of the Florida cross-State canal. The barge canal between Jacksonville and Miami has fresh-water wells on each side of it. Habana, Cuba, has a 90-mile channel between Habana and Florida and has a population as large as Tampa and Miami both together, yet she has more fresh water than she can use with a river flowing into the ocean. We have salt water very close to each side of Marion County, and a salt spring in Marion County. Our people not only voted for bonds to buy the right-of-way but are selling their land on the right-of-way for a very reasonable consideration. We have the highest freight rate of any State, we believe; we pay as much

as California to get our fruit and truck to market, hundreds of truck loads of oranges and truck are hauled out of our district to Jacksonville and loaded on boats. This canal will not hurt the railroads.

Miami is about 350 miles south of this cross-State canal and a truck grower there told me he was hauling his truck produce to New York by truck for half the freight, so you see the railroad will have to compete with the trucks with their unreasonable charges.

The counties in the State of Florida through which this ship canal is started are doing everything they can to carry out their part of the agreement with the United States Government in donating the right-of-way with a friendly feeling to our people and to our good Government and we hope nothing will be done to halt the progress of work that is being done by our good and efficient engineers of the United States War Department.

Yours very truly,

S. H. CHRISTIAN.

REPORTS OF COMMITTEES

Mr. SCHWELLENBACH, from the Committee on Military Affairs, to which was referred the bill (S. 3067) for the relief of A. J. Watts, reported it without amendment and submitted a report (No. 1743) thereon.

He also, from the same committee, to which was referred the bill (S. 3296) to provide for the payment to the American War Mothers of interest on the fund known as the "Recreation Fund, Army", reported it with amendments and submitted a report (No. 1744) thereon.

THE AMERICAN MERCHANT MARINE

Mr. COPELAND, from the Committee on Commerce, submitted a report (No. 1721) to accompany the bill (S. 3500) to develop a strong American merchant marine, to promote the commerce of the United States, to aid national defense, and for other purposes, heretofore reported by him from that committee with an amendment.

Mr. GUFFEY submitted the views of the minority of the Committee on Commerce on the bill (S. 3500) to develop a strong American merchant marine, to promote the commerce of the United States, to aid national defense, and for other purposes, which were ordered to be included in Senate Report No. 1721.

Mr. CLARK subsequently said: Mr. President, I am informed that this afternoon there was presented at the desk a "majority report" and "minority views" from the Committee on Commerce on Senate bill 3500, commonly known as the Copeland ship subsidy bill. The chairman of the committee was authorized to report the bill, and probably the parliamentary clerk is acting in conformity with the rules of the Senate when he labels the report submitted by the Senator from Pennsylvania [Mr. GUFFEY] "minority views", because I understand that the rules of the Senate only provide for a majority report and minority views.

I merely desire to call the attention of the Senate and the country to the fact that those terms in this case are probable misnomers, for this reason: There are 20 members of the Committee on Commerce. The minority report is signed in writing by 10 members, exactly half the members of the Commerce Committee, and, of course, the majority report is signed by no one except the chairman.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. VANDENBERG introduced Senate bill 4423, which was referred to the Committee on Finance and appears under a separate heading.)

(Mr. WAGNER introduced Senate bill 4424, which was referred to the Committee on Education and Labor and appears under a separate heading.)

By Mr. LONERGAN:

A bill (S. 4425) to relinquish all right, title, and interest of the United States in certain lands in the State of Connecticut; to the Committee on Military Affairs.

By Mr. CLARK:

A bill (S. 4426) granting a pension to Bertha Allmandinger; to the Committee on Finance.

By Mr. HARRISON:

A bill (S. 4427) to create an additional division of the United States District Court for the Southern District of Mississippi, to be known as the Hattiesburg division; to the Committee on the Judiciary.

By Mr. KING:

A bill (S. 4428) to provide for the incorporation, regulation, merger, consolidation, and dissolution of certain corporations for profit in the District of Columbia; to the Committee on the District of Columbia.

(Mr. THOMAS of Utah introduced Senate bill 4429, which was referred to the Committee on Education and Labor and appears under a separate heading.)

PRODUCTION AND CONTROL OF SUGAR BEETS AND SUGAR CANE

Mr. VANDENBERG. I ask unanimous consent to introduce a bill respecting sugar control, and I ask the indulgence of Senators to make just a brief statement.

The Senator from Mississippi [Mr. HARRISON], in behalf of the Senator from Colorado [Mr. COSTIGAN], offered a bill 2 days ago based upon the theory of continuing benefit payments, processing taxes, and so forth. As a tentative basis for a totally different approach to the problem, I am offering the proposal which I now send to the desk. I simply call attention to the fact that it eliminates all benefit payments, with the possible exception of soil-erosion allowances; it eliminates all need for any further discussion of the tariff with respect to the sugar problem; it eliminates all need for any processing taxes; and it eliminates all need for any domination either of the farming or processing of sugar by the Department of Agriculture. The bill is introduced as a tentative basis for this alternative consideration of the sugar problem, solely on the theory that all the American farmer needs is the right to raise sugar for American consumption. I ask that the bill be referred to the Committee on Finance.

There being no objection, the bill (S. 4423) to protect domestic producers of sugar beets and sugar cane and to encourage the domestic production thereof by the regulation of foreign and interstate commerce in sugar; to provide for the fixing and revision of yearly quotas of sugar that may be imported into, transported to, or received in continental United States; to maintain a continuous and stable supply of sugar in continental United States for the benefit of both producers and consumers, and for other purposes, was read twice by its title and referred to the Committee on Finance.

PROPOSED DEPARTMENT OF EDUCATION AND PUBLIC WELFARE

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to introduce a bill and to have it referred to the Committee on Education and Labor. In order not to detain the Senate at this time I also ask that the attached statement prepared by me be inserted in the RECORD in connection with the bill.

The VICE PRESIDENT. Without objection, the bill will be received and referred as requested by the Senator from Utah, and the statement will be printed in the RECORD.

The bill (S. 4429) to create an executive department of the Government to be known as the Department of Education and Public Welfare was read twice by its title and referred to the Committee on Education and Labor.

The statement prepared by Mr. THOMAS of Utah is as follows:

In explanation of this bill to create a department of education and public welfare it is needless for me to say that such an enactment would fill a long-awaited development in our Government.

Probably no one in Congress, if he knew that a Federal department of education would not attempt to abridge States' and State schools' rights, or summarily would try to strip some other department of a service the latter now is exercising, would oppose a bill creating a department of education. Public welfare is a subject which has become of paramount concern and has given rise to many Federal agencies.

It is my position that we must not lose sight of our old-line departments, such as the State Department, Treasury, War, and so on. In my opinion a large number of independent offices tend toward instability, while an effort to convert an existing independent office into a subdivision of one of the regular departments tends toward stability.

My bill would create an eleventh regular department, with an eleventh Cabinet head. The bill is simplicity itself. It simply provides for the necessary elements of a regular department and leaves the President free to build up from the ground, for, after all, the Cabinet selection is his, and the responsibility of the personnel is first to him. Moreover, he already has the authority

from Congress to make necessary adjustments from one department to another after study, and it would be agreeable with me, and I feel sure, to Senators, that he fill up the new department of education and public welfare as slowly and with as much caution as he should feel desirable.

Education of our people is a duty which is essentially a residual right with the several States. My bill and its enactment would not interefere with this sound premise. I should oppose any measure which would attempt to federalize our State school systems. On the other hand, our State superintendents of schools, our college presidents, our private schools, have a right to have someone to whom they can turn with common problems or for common aid or assistance. Our Commissioner of Education, an exceptionally able man, is staffed and equipped to render some degree of service, but there is scarcely a department of the Government that does not have an educational division known by some other name. Also, we know in a general way that some phase of human welfare comes under this or that division of Government, and most of these are out on a limb, so to speak, by themselves. Instead of having 11 persons confer with him on major problems, I venture to say that the President has nearer 40. The President is a man of uncommon strength and fortitude, but we should not impose upon him. With the enactment of this bill, he could rearrange his stewardships and adviserships in his own way, easily reduce the number of independent offices, strike out the false charge of "bureaucracy"—a term distasteful to all of us on both sides of this Chamber—and simplify the dealings of this Government with its people. I ask your consideration of this bill.

IMPROVEMENT OF HOUSING CONDITIONS

Mr. WAGNER. I ask unanimous consent to introduce, for appropriate reference, a bill pertaining to the improvement of housing conditions.

There being no objection, the bill (S. 4424) to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the development of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

Mr. WAGNER. Mr. President, the housing program embodied in the proposed legislation that I am introducing today should be the next step in our recovery drive. I believe that it is an imperative step, not only to make further progress, but also to consolidate and protect the gains that have been made.

EVIDENCE OF BUSINESS RECOVERY

The monumental statistical evidence of business recovery cannot be hidden by the clouds of partisan debate. When facts dispel the mist, the monument to the Roosevelt policies is still there, more solid and more impressive with every passing day. I shall be content to read one brief extract from a staid and conservative business bulletin. It says:

The total private corporate securities floated during January 1936 amounted to $273,000,000, compared with $7,000,000 during January 1935. The total number of business failures during 1935 was 11,000, the lowest number since 1920, and less than half the number during the prosperous year of 1927.

These figures can be confirmed a thousandfold. I have selected this particular example, however, because it belies so completely the charge that the policies of the New Deal have smothered business confidence. The confidence of rational men is always based upon achievement, and our achievements have wrought a Nation-wide confidence symbolic of our national unity of purpose.

PROBLEM OF UNEMPLOYMENT

Mr. President, the American people have much to be grateful for today. But those of us who are realists know that we are confronted by a challenge that must be answered. While 5,000,000 men have regained their jobs, over 11,000,000 of our people are still without work. In 1935 the number on the relief rolls exceeded those engaged in our five largest industries. Unemployment has become a Frankenstein created by our modern industrial system. If we do not crush it, we shall ourselves be destroyed.

Our greatest success has been achieved in the so-called consumer-goods industries. In many of these, activity has already reached normal levels. This is true, for example, of automobiles and textiles, and some of the mail-order houses are making the best records in their entire history. But they cannot expand much further when the national purchasing power is at only 77 percent of normal. Until there is greater activity in the other areas of business, the consumer-goods enterprises find themselves on dead center.

Furthermore, employment opportunities in these industries have been curtailed enormously by technological improvements. In the iron and steel industry, between the beginning of 1934 and the end of 1935, production increased by 84 percent, while employment increased by only 20 percent. In the automobile factories of the United States, production increased by 45 percent during the course of last year, while employment rose by only 8.3 percent and pay rolls by only 25 percent. It is calculated that in general the potentialities of per-capita production are 25 percent higher today than they were in 1929.

To interrupt this technological trend would be to stop the very thing that has brought us from savagery to civilization. But nevertheless the immediate effect of new machine processes always has been, and for a long time will be, a dislocating one. The men displaced from one trade must therefore find new outlets in another.

NEED FOR STIMULATION OF RESIDENTIAL BUILDING

For these reasons the major reemployment opportunities today do not rest with the industries which have already surged ahead. The problem is to stimulate the retarded rather than to prod the quick. The most important of the retarded industries may be clustered in a single group. In 37 States, according to the F. W. Dodge figures, the value of all construction contracts fell from $6,603,000,000 in 1927 to $1,845,000,000 in 1935, representing a decrease of 71 percent. Only one-fifth as many dwellings were built last year as 10 years ago. For the first month of the present year, the value of new homes constructed was only $37,000,000, contrasted with a normal of about $150,000,000. About 50 percent of the total unemployment today is due directly to this lethargy of the durable-goods industries, and another 35 percent is due to the service trades that are directly affected thereby. Until these lines are surcharged with activity, the consumer-goods industries may almost be said to be "overemployed."

BAD HOUSING, DISEASE, AND CRIME

With respect to home construction, while the depression naturally created an emergency situation, I desire to emphasize above all that adequate and decent housing involves the remedy of a long-term need. Even before the depression came, 11,000,000 families, meaning approximately 45,000,000 people, were living under conditions that did not protect their health and safety. Countless thousands among these were quartered not like twentieth century freemen but like medieval serfs.

These bad housing conditions have been neither exclusively urban nor exclusively rural. The real property inventory of 1934, covering 2,400,000 family units in 64 representative cities, and conducted by the Department of Commerce, found that almost one-fifth of them were either definitely bad, though not beyond repair, or totally unfit for human occupation. In a survey of rural housing just last year, it was discovered that in over half of the American States 4 out of 5 of the rural homes had no running water and 3 out of 4 neither gas nor electricity.

The quality of our homes writes itself indelibly into the lives of our people. It has been proved that slum areas have a tuberculosis death rate five times as high as elsewhere, while the danger of contracting the dread disease is 30 times as great. We know also that where the sun's healthful rays do not penetrate into the tenement room the infancy death rate is three times the normal rate. Such a sacrifice of the innocent would be too great, even if limited to those who die mercifully before they grow old enough to realize the tragic conditions under which they are doomed to live. But there is no such limitations. Think of the children who have not died, who have tried to live and learn and grow in an atmosphere where sunlight is shut out, where cleanliness is unknown, where every disease and every crime have their natural breeding place.

I have heard it stated that these evils are not caused by poverty or bad housing, but rather by natural infirmities.

Such apologetics cannot compete with the facts. We know that the city of London reduced its death rate from 37 to 27, and its infant-mortality rate from 246 to 167, by an adequate rehousing program.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WAGNER. I yield.

Mr. WALSH. The Senator knows I am very much interested in the subject he is discussing because of hearings held before the committee of which I am chairman. I inquire now if at some time in the course of his remarks he will differentiate between what the proposal is which he is now submitting through the bill he has introduced, and what activities have been undertaken already by the administration in the way of Federal housing under emergency funds made available for that purpose.

Mr. WAGNER. I shall refer to that later in my remarks to the Senate.

Mr. WALSH. I hope the Senator will point out that whatever efforts have been made in the construction of housing by the Federal Government have not in any way met the problem of slum clearance.

Mr. WAGNER. Exactly.

Mr. WALSH. The houses which have been constructed in New York, Cleveland, Boston, and elsewhere are really in competition with private property and are available for tenancy only by the so-called middle-class workers or people in comfortable circumstances.

Mr. WAGNER. The lowest point to which rents have been reduced, as I shall point out later, is $9.50 per room per month, while the most that families of low incomes, now living in the slums, can possibly pay is $5, or at most $6, per room per month.

Mr. WALSH. In my opinion the Government houses which are being constructed in some of our cities will command rents much higher than that paid by anybody now living in the neighborhood. Of course the quarters will be superior.

Mr. WAGNER. Yes; but that is one of the very things against which we should guard, and this bill does it. The Government should aid only such housing projects as do not compete with private industry. That can be done, as I shall point out in a moment, by limiting the occupancy to those of the lower-income group.

Mr. WALSH. The opinions the Senator from New York and I are expressing are not in criticism of what has been done, for we are stating what the Government representatives themselves admit.

Mr. WAGNER. Precisely.

Mr. WALSH. The present housing division of the Federal Emergency Administration of Public Works admits that their housing activities have not been directed toward slum clearance.

Mr. WAGNER. And those who have been engaged in this sort of work as public officials heartily support the bill I introduce today.

Mr. WALSH. When the Government undertook to enter the field of housing, I think the public had the impression that it was to be confined to slum clearance. Am I correct?

Mr. WAGNER. So far as public housing is concerned, it should be limited to providing decent quarters for those now forced to live in slums, or their equivalent, and to clear slums or blighted areas in connection therewith. Aid should go only to the low-income groups who have not the income to pay the full rent necessary for decent housing.

Mr. WALSH. The Senator from New York is going to discuss later the phase of the matter to which I have called attention?

Mr. WAGNER. Yes; and I thank the Senator from Massachusetts for giving me a chance to emphasize that very point.

To continue, Mr. President, we know that in Glasgow 90 percent of the children moved from the slums to better quarters responded immediately and favorably to a more healthful environment.

Poverty and disease, abetted by the sordid surroundings in which they are found, are the chief incentives to crime. We have recently learned that in the worst slum areas of Manhattan the number of arrests per thousand people is two and a half times as great as in nonslum areas. Chicago presents an even more vivid contrast between a run-down section of the city and one of the most prosperous. It has been found that juvenile delinquency is over 300 times as great in the Loop areas as it is upon the North Shore. We need not hunt further than these facts for the explanation of why the underworld is rapidly becoming the special hunting preserve of the young.

If we wish to check the transgressions that the young are perpetrating against society, we must first remedy the injustices that society has perpetrated against them. To attempt correction only after the child reaches the courts, while leaving the uncontaminated child subject to the corroding influence of the slums, is as foolish as it would be to attempt to nourish the branches of a tree that is planted in quicklime.

These humane considerations do not stand alone. Charles A. Beard, the distinguished historian and student of municipal government, has summarized the economic cost of bad housing as follows:

> The diseases of the tenements are swept through a thousand channels; vice and crime are heavy costs upon the purse and vitality of the people; inefficiency and a high death rate are direct economic losses. It is unquestionably true that some of the worse tenements in our great cities cost the municipalities of the Nation more indirectly than the landlords receive in rent.

Thus it is, Mr. President, that the pressing problems of the current economic situation and the long-range requirements of the families of America blend together in producing a common evil calling for a common remedy—the revival of the durable goods and construction industries. Estimates naturally vary regarding the housing needs of this country. After examining many sources, I should say that a tentative figure of 10,000,000 new family units during the next 10 years is conservative and fair.

The genuine commencement of a building program of this magnitude would help to solve the central economic problem of the country. Its continuation would absorb both the normal unemployment in the durable-goods industries and the overflow of technological unemployment from other fields. Home building would constitute a steel girder reenforcing and stabilizing our whole economic structure.

A program of this scope must, in all its aspects, be predominantly the task of private industry. Anything less would be inconsistent with our theories of politics and economics. We associate the home with individual liberties, not with a superstate.

THE GOVERNMENT'S ROLE IN STIMULATING HOME BUILDING

But, none the less, the Government has a significant role to play in reviving the building trades. The average man may start feeding and clothing himself as soon as he regains his job. On the other hand, he cannot do much about improving his housing conditions until his surplus has been restored by sustained prosperity. But there can be no sustained prosperity unless the revival of the building industry gets going first. In this situation, there can be no spontaneous combustion. The spark must come from somewhere.

The housing activities of the Government to date have not even commenced to supply this spark. The Home Owners' Loan Corporation and the Federal Housing Administration have done a marvelous work in stopping evictions, repairing old homes, and rescuing investors in real estate. But now the hour has come to put flesh upon the framework that we have preserved. Instead of saving old homes, the country must have new ones. Rather than refinancing old investments, we must develop profitable areas for the operation of new capital. To accelerate the trend in this direction is the purpose of the proposed legislation I am now introducing.

There is an even more important reason why the Government should play some role in a new home-building program. Housing, after the war, became a luxury trade rather than a basic industry. For that very reason, the index of construc-

tion jumped up and down violently. It stood at 44 in 1921, at 124 in 1925, at only 87 in 1929, and at 11 in 1933. If home building is to be a stabilizing rather than a disrupting force, it must be extended to the vast majority who need housing most. If the complete rehabilitation of our economic life is to be made worth while, it must carry along with it the rehabilitation of American home life.

While there is not complete uniformity as to the price at which decent housing may be purchased, it is universally agreed that families in the lower-income groups require some degree of public financial assistance. The only completed large-scale project of the Federal Housing Administration rents for $12.50 a room per month. Limited-dividend corporations in our cities have not been able to reduce rents much below $11. The best result in recent housing has been about $9.50. But let us be cautious in the extreme and say that, taking the country as a whole, respectable quarters may be had for $7.50 a room per month. This means that a normal family of five, in order to obtain three and a half rooms, must spend about $315 each year for rent. But, by and large, this is impossible with an income of less than $1,500 per year.

This brings us at once to the charts of income statistics. In the relatively prosperous year 1929 more than 12,000,000 families, or more than 42 percent of all America, did not have this $1,500 income, which is essential to provide decent housing. At least 6,000,000 families, or more than 21 percent of the total, had incomes of even less than $1,000 a year. And when we examine the figures for today, we find that 18,000,000 families, or 60 percent of the Nation, can afford to spend for rent only 66 cents in place of every dollar that would be required to house them in decency and comfort.

This plain mathematics has led not only reformers, but all realistic and analytical business interests as well, to admit that some public assistance is necessary if the poor are to be provided with decent houses. It has been acknowledged, in addition, that this provision must be made if industry is to thrive. The committee for economic recovery, a representative business group, said this very year:

> Private capital and private industry cannot solve this problem alone. The committee believes that public housing is essential.

PROVISIONS OF HOUSING BILL

The provisions of the housing bill which I am now introducing are designed to remove the impasse in construction which has become so onerous a burden upon the economic life of the Nation. In order to get building started on a broad and therefore sound base, the bill authorizes the Federal Government to make loans to State and municipal housing authorities, and to limited dividend companies, to finance new dwellings for persons of low income. The money for these loans is to be raised by the sale of bonds, guaranteed as to principal and interest by the United States, and amounting to not more than $100,000,000 for the first year, and not more than $150,000,000 for each of the succeeding 3 years. After that Congress will have to consider new authorizations. During the first year of the program there need be no bond issue whatsoever, as the bill authorizes the Housing Authority to borrow $100,000,000 from the Reconstruction Finance Corporation on the basis of equivalent assets now held by the housing division of the Public Works Administration.

The total bond issue under this bill to encourage new housing will thus be less than one-fifth of that authorized under the Home Owners' Loan Corporation merely to protect existing values; and let it be remembered that over 95 percent of the loans to home owners have been used to pay their business or banking debts. The total bond issue under this bill to encourage new housing will be only one-tenth of what the Reconstruction Finance Corporation has loaned to stabilize every type of commercial, industrial, and banking enterprise; and these new loans will be made for a preeminently safe and worthy type of economic venture.

In addition to loans, the bill provides for supplementary grants, but only to the extent necessary to make it possible to build for families of low income, and in no case to exceed 45 percent of the construction cost of any project. Any such grant may be made in a lump sum, or all or part of it may be spread equally over a period of years on an annuity basis. This provision for annuities will decrease the initial cost to the Federal Government, and at the same time leave to private capital a larger portion of the initial financing.

The authorized appropriation under the bill is $51,000,000 for the first year, and there are authorizations for $75,000,000 for the second year, $100,000,000 for the third, and $100,000,000 for the fourth. In the aggregate, this is less than the amount originally allocated for low-rent housing under title II of the National Industrial Recovery Act. It is only about one-half the amount appropriated during the present session for the Army.

These grants are not aimless gratuities. What they portend in the removal of disease and crime, and in the stimulation of business, I have already stated. In addition, it is to be noted that the Federal and State Governments have already been forced to make huge rent subsidies in the form of pure relief. In New York City alone, rent relief amounted to over $22,000,000 during 1934, over $31,000,000 during 1935, and is now going on at the rate of $25,000,000 per year. The bill I now introduce is designed to substitute business revival for relief. It will tie up every dollar of expenditure with genuine construction activity. It will be cheaper for the Government, better for industry, and infinitely more just to the people who want decent homes.

STIMULATION OF, RATHER THAN COMPETITION WITH, PRIVATE INDUSTRY

The bill contains every possible safeguard against competition with private industry. In the first place, every housing project that receives a penny of Federal assistance, either loan or grant, will be available only to those families of low income who cannot purchase safe and sanitary quarters elsewhere. If there is competition it will be only with the miserable conditions of slums and blighted areas.

In the second place, the loans and grants advanced by the Federal Government will not be likely to cover even the major portion of the cost of those housing projects which they assist. Every inducement is provided for the entry of private capital. It is estimated that the public funds made available under this bill, if used alone, could build only 245,000 family units during the next 4 years. But if used as appropriate complements to private financing, at least 600,000 new family units for the low-income groups alone should result.

Thirdly, and most important of all, Federal loans and grants will be used in connection with only a small portion of the total home building during the next few years. The construction of 125,000 family units per year with partial Federal assistance, and that aid predominantly in the form of sound, interest-bearing loans, should provide, in connection with the work of the Federal Housing Administration, the ground work for the development of 875,000 family units each year by private industry alone. During the next 4 years, every $1 of Federal grant should mean $48 of private expenditure for home building, with its connected economic improvement.

DECENTRALIZATION OF PROGRAM

In addition to its modest financial provisions, the bill stresses decentralization. All of the direction, planning, and management in connection with publicly assisted housing projects are to be vested in local authorities, springing from the initiative of the people in the communities concerned. The Federal Government will merely extend its financial aid through the medium of these agencies. The only exception to this rule is, that for a limited time the Federal Government may set up a few demonstration projects in order that local areas without adequate instrumentalities of their own may benefit by an experience in low-rent housing. It is provided that these demonstration projects shall be transferred to local agencies as soon as possible.

GENERAL BENEFITS

I believe that this measure will rapidly win the support of the Congress and the country. There is not a single interest which would be affected adversely by its passage, except those few which can thrive only by vending unsafe and insanitary

homes to the men, women, and children of America. By providing widespread employment in the industries that are most depressed, the bill will round out the cycle of recovery in banking, in commerce, and in industry. It will invoke a maximum outflow of private capital with a minimum investment of public funds. And it will combine these economic objectives with the socially enlightened policy of clearing away the areas where disease and crime find their natural breeding place, and of establishing a cleaner and healthier atmosphere in which the mothers of America may watch over their families, and in which the children of America may grow to a happier maturity.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. FLETCHER. I understand that the President appointed a board or commission to look into the problem of housing, and I would ask the Senator whether he has had contact with them.

Mr. WAGNER. I have. I might say to the Senator that I have had a number of conferences, covering a period of 3 months, with the different public agencies, and also with outside groups of public-spirited citizens and with individuals, all of whom are interested in this subject, which I regard as the most significant confronting the country today. Their views are not all embodied in the proposed legislation, nor is the bill in complete accord with all of their views. As now drafted the bill is solely my own responsibility. But I am very confident that nearly all of the groups which participated in these discussions will substantially favor the proposed legislation.

I might say that all those concerned with housing, including business groups, social workers, and public agencies, are agreed that if we are to remove the slums as breeding places of crime and disease, and if we are to save the children of our country from the contaminating influences to be found around the slums, there must be some public aid. The incomes of the poor are so low that they cannot possibly pay more than $5, or at most $6, per room per month for rent, while no private interest can build profitably a home suitable for habitation, with the ordinary sanitation facilities. That, I think, is now conceded by all who have studied the subject.

Mr. FLETCHER. May I ask the Senator whether the proposition is that the Federal Government will take second mortgages on these properties and private enterprise will furnish capital for first-mortgage security?

Mr. WAGNER. No; that has been proposed with reference to encouraging the building of small homes—homes worth five or six thousand dollars. Perhaps I may propose legislation upon that subject in a short time. What I now propose deals only with providing homes for the very low income groups; that is, those who earn less than $1,500 a year or thereabouts and who are now housed in slums and blighted areas all over the country, not only in urban but also in rural sections. They should be provided with homes fit for human habitation from the standpoint of health and safety, just as we try to provide them with hospitalization and other facilities.

MISSISSIPPI RIVER FLOOD CONTROL

Mr. OVERTON. Mr. President, I send to the desk and ask to have printed and lie on the table three amendments intended to be offered by me to the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928.

I wish to make one observation. During the course of the preparation of this bill, and during the course of the hearings, an effort was made to harmonize certain differences which existed between the friends of the bill and the Chief of Army Engineers. The Secretary of War submitted a report approving the bill, but suggesting that certain amendments be made to it.

After the hearings had been concluded, and after the bill had been reported by the committee, certain representatives of the States affected, together with myself, had a number of interviews with the Chief of Engineers, and as a result of those negotiations we agreed upon the three amendments which I have just sent to the desk. They meet the objections to the bill suggested by the Secretary of War.

In transmitting the amendments to me, the Office of the Chief of Engineers wrote me as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 23, 1936.

Hon. JOHN H. OVERTON,
United States Senate, Washington, D. C.

DEAR SENATOR OVERTON: You will find enclosed a copy of S. 3531, entitled "A bill to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes', approved May 15, 1928", into which have been incorporated certain amendments, as follows:

1. A complete revision of section 7.
2. An amendment to section 10.
3. A complete redraft of section 12.

This bill, with these amendments, except as to section 5, conforms to the views of the Chief of Engineers and, in my opinion, satisfies the objections urged to the bill in the report thereon made by the Secretary of War.

Sincerely yours,

G. B. PILLSBURY,
Brigadier General, Acting Chief of Engineers.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

LEGISLATIVE APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11691) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1937, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30, and agree to the same.

MILLARD E. TYDINGS,
JAMES F. BYRNES,
JOHN G. TOWNSEND, Jr.,
Managers on the part of the Senate.

J. BUELL SNYDER,
LOUIS LUDLOW,
JOHN F. DOCKWEILER,
EDWARD C. MORAN, Jr.,
D. LANE POWERS,
Managers on the part of the House.

The report was agreed to.

LIBERTY LEAGUE—RADIO ADDRESS OF SENATOR SCHWELLENBACH

Mr. BLACK. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address delivered by the junior Senator from Washington [Mr. SCHWELLENBACH] over the Columbia network last evening concerning the activities of the Senate committee investigating lobbying activities.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE LIBERTY LEAGUE'S ATTACK ON THE SENATE COMMITTEE FOR THE INVESTIGATION OF LOBBYING ACTIVITIES

I am deeply grateful to the Columbia network for this opportunity to discuss the work of the committee of the United States Senate appointed to investigate lobbying activities, of which I am a member. On two occasions during the last month the work of the committee has been critically discussed over radio networks by Mr. Jouett Shouse, president of the American Liberty League. I must frankly confess the difficulty with which I am confronted in attempting to answer Mr. Shouse, because of the fact that statements made by him concerning this committee are so far afield from the actual facts that it is difficult to know where to commence attempting to reconcile them.

For example, in his speech of March 6, Mr. Shouse stated, and I quote him, "Every telegram sent by any citizen of the United States to anyone in Washington between February 1 and December 1, 1935, has been subject to examination by the Federal Communications Commission or the Black committee. Every telegram sent out of Washington during those 10 months has been subject to such examination. * * * I mean that if you, wherever you live, sent any telegram, however, private, to anyone in Washington, or if you sent any telegram, however private, out of Washington to anyone in the world upon any subject, your telegram has come under the prying eyes of the new inquisition." A check by our committee as reported to the Senate of the United States showed that if the foregoing statement was correct 14,000,000 telegrams had come under what Mr. Shouse calls the "prying eyes of our com-

mittee." Last Friday night, speaking from this network, Mr. Shouse revised his figures and stated, quoting, "that more than 22,000 telegrams sent from or received at the Washington office between February 1 and December 1, 1935, were copied and turned over to the Black committee." In other words, Mr. Shouse now admits that his statement of March 6 was incorrect to the tune of 13,978,000 telegrams. After I have completed this broadcast, those of you with mathematical ability can estimate the percentage of Mr. Shouse's error.

Last Friday night Mr. Shouse stated, in reference to subpenas issued for telegrams of newspapers, "It is a notable fact that in each case the newspapers are those that have been critical of the present administration or of the members of the Senate Lobby Committee. An illustration of the latter is the seizure of the complete telegraphic file of the five newspapers in the Northwest controlled by W. H. Cowles, of Spokane, Wash. The New York Herald Tribune, in a news story published March 19 recounting that seizure stated: 'It is known that Mr. Cowles' papers have been critical of the policies of Senator LEWIS B. SCHWELLENBACH, Democrat, of Washington, a committee member.' I leave it to my listeners to guess why the message of those particular papers were singled out for inspection."

Now, what is the truth? I answer that question by reading to you from two editorials from Mr. Cowles' morning newspaper, the Spokane Spokesman Review. I quote: "As acting chairman of the Senate Lobby Committee, Monday, Senator SCHWELLENBACH did a good job of smoking out the railway lobby for the Pettengill bill to repeal the long- and short-haul law." The editorial then proceeds to set forth facts concerning that activity on my part.

I quote from another editorial in Mr. Cowles' Spokane Spokesman Review. I quote: "The Senate Lobby Investigating Committee may have exceeded its constitutional authority in some instances, in the seizure of private telegrams, letters, and documents, but it is not apparent that it exceeded its constitutional authority in this timely exposure of the lobby alliance between the backers of the Pettengill bill and the power interests. Certainly the people have a right to know all about the wily manipulations of the lobbyists operating at the National and State Capitals under false fronts as in this flagrant instance." These two quoted editorials conclusively disprove Mr. Shouse's false contention that the Spokane Spokesman Review or Mr. W. H. Cowles has been critical of my activities in the Lobby Investigating Committee.

Why does Mr. Shouse persist in thus distoring the facts? By what motives is he actuated? To find the answer to that question we must look to the financial interests behind Mr. Shouse, and attempt to search out their motives.

Jouett Shouse is the president of the American Liberty League. The sworn statement of the league shows that during 1935 he received from the league as president, in the form of salary and personal expenses, the sum of $54,000; $54,000 a year is $4,500 a month, or $173 for each working day. The American Liberty League is a propaganda organization. Its purpose is to discredit President Roosevelt and to prevent his reelection in November. It has printed and distributed something in excess of 112 pamphlets in the last year and a half, every one of which contained criticism of the President and his administration.

Who finances the American Liberty League? The same sworn statement shows that during 1935 the league received financial aid, in the form of contributions or loans, the sum of $483,000, of which $270,000 came from the Du Pont family or their business or personal associates and affiliates.

What is the business of the Du Ponts? It is the manufacture of munitions. The sordid business of war. The profits of the munitions industry come from the killing or maiming of the young manhood of the world. During the last war the Du Pont munitions company received profits that resulted in the declarations of dividends or increase in surplus to the extent of $237,000,000. On the poppy-covered fields of France there stand today thousands upon thousands of rows of white crosses as eternal monuments to the $237,000,000 that the Du Ponts made.

Why are the Du Ponts so interested in defeating President Roosevelt for reelection? Because this administration for the first time in the history of the Nation, under the leadership of Franklin D. Roosevelt, has taken constructive steps to prevent a repetition of America's entry into European conflict. The neutrality laws, which Roosevelt has forced upon the statute books, are the most effective preventives yet adopted to avoid American participation into war. They go further than that. They prevent all shipments of munitions of war from this country as a neutral to any belligerent which may be engaged in war. There will be no $237,000,000 munitions profits so long as the neutrality law remains upon the statute books of this country. It cannot be repealed while Franklin Roosevelt is President of the United States without the vigorous opposition of all of his Presidential power and prestige.

Why does the Liberty League thus concentrate upon the investigating of the Senate Lobby Investigating Committee? Because the Du Pont interests know that in any attempt they may make to secure the repeal of the neutrality laws, this committee or one similarly constituted, will be the President's most effective weapon in exposing and uncovering lobbying activities of the munitions industry of the Nation.

It is the Senate Lobbying Investigating Committee which revealed that telegrams concerning legislation, numbering close to 100,000 were received by Members of Congress during this last year, which telegrams bore the signatures of persons who had never authorized them. It is this committee which disclosed that in securing names for telegrams protesting against the Wheeler-Rayburn bill the power companies of the country used telephone directories and city directories as the sources from which they secured the unauthorized names. It is this committee that disclosed the fact that upon one piece of legislation last year there was brought to the city of Washington, with expenses paid and with compensation paid, the most intimate friend of each of the Members of Congress who could be obtained, and that those intimate friends discussed legislation with the Congressmen under instructions from their sponsors not to disclose the fact that they were being paid to come to Washington as lobbyists. It is this committee that disclosed the facts concerning the social lobby in the city of Washington, in which Members of Congress were invited to dinners and parties, the expenses of which were paid by the corporations interested in legislation, which fact was carefully and cleverly concealed from the Members of Congress, and at which legislation in which the corporations were interested was discussed and argued. It is this committee that is disclosing that dozens of so-called investors' organizations, patriotic organizations, taxpayers' organizations, which have sprung up throughout this country in the last year and a half, apparently representing investors, or taxpayers, or patriotic citizens, were in truth and in fact nothing but fakes and frauds, financed by the railroads, the power companies, the munitions companies, and the Wall Street banks. These are just a few of the typical revelations of this committee. Is there any wonder in your mind that the American Liberty League representing business interests of the country, that had been accustomed in the past to have a free hand in their Federal lobbying activities, are thus bitterly attacking our committee at this time?

There has been much loose talk in the press and by Mr. Shouse over the radio about the methods used by this committee. As a responsible Member of the United States Senate I present to you the facts. The committee consists of five members, four of whom are lawyers. We believe that at least we have a speaking acquaintance with the Constitution of the United States. We know that every member of our committee has as great a love and respect for the Constitution as any officer of the American Liberty League. Four of the members of the committee had the honor to serve the Nation in a military capacity in the last war. The committee in its every activity has assiduously attempted to protect the constitutional rights of everyone concerned with the investigation. The subpenas we issued religiously followed the forms used by prominent Members of the Senate in years gone by. The forms we used were used and approved by such men as that constitutional lawyer of recognized ability, Senator Thomas J. Walsh, of Montana; the conservative Reed Smoot, of Utah; and the able James A. Reed, of Missouri. Despite what Mr. Shouse has said, our committee did not in any instance use the Federal Communications Commission in an effort to secure information or telegrams. We used only the recognized and established power of the United States Senate. Neither the committee nor its agents examined a single solitary telegram sent to or by any person, association, or corporation that was not engaged in the business of lobbying. The people of the country, who have no special selfish interest to be served, who do not wish to taint and pollute the sources of Federal legislation, have nothing to fear from this committee or its activities.

These are the facts. Mr. Shouse ended his speech of last Friday evening asking your support of the American Liberty League. If you believe in the kind of government for which the American Liberty League stands, then my advice to you is to join with Mr. Shouse. If you believe in honest government, if you believe in government free from the despoiling influence of political corruption, if you believe that government should not be tainted by the false and insidious propaganda of special-interest lobbyists, if you believe that there should be a curb upon the activities of interests that would use your Government for their special profit to satisfy their special greed, if you believe in a government in which the facts are disclosed and in which the secret contacts between your representatives in the legislative halls and the representatives of corrupt forces are unveiled, then I ask your support for your committee.

WASHINGTON'S BIRTHDAY ADDRESS BY HON. FERDINAND PECORA

Mr. COPELAND. Mr. President, I ask leave to have printed in the RECORD a Washington's Birthday address delivered over the radio by Hon. Ferdinand Pecora, justice of the New York Supreme Court, under the auspices of the Jewish War Veterans of the United States.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Let me, at the outset, express to the Association of the Jewish War Veterans of the United States—under whose auspices these exercises are being held—my appreciation of the courtesy and the compliment implied in the invitation to address you in its behalf. This courtesy and this compliment are all the more gracious in view of the fact that the invitation is, by design, extended to me as a Christian.

All of the people of America today stand in reverent contemplation of the memory of that truly great—and truly simple—personality, George Washington, who was born just 204 years ago.

It would be utterly superfluous to dwell upon the character and recount the achievements of Washington in any address delivered

to our citizens. For every boy and every girl who has ever studied the history of America is amply familiar with them. By common consent his name has ever been accepted as preeminent on the roll of the founders of our Republic. Indeed, upon any roster of world leaders, it has universally been accorded lofty ranking.

Through the dark and anxious years from 1775 to 1782, he led the ragged, poorly equipped forces of the Thirteen Colonies upon the battlefields of the War of the Revolution, in their desperate strife for independence. His, more than any other's, were the sublime courage, the fortitude, the sagacity, and the devotion to the cause of liberty which furnished inspiration to the struggling colonists, and brought them through the seemingly hopeless gloom of Valley Forge to the ultimate light of victory of Yorktown.

Wholly justifiable is the glowing pride which the Jews of America have in the record of patriotism written into the early pages of our country's history by the Jews of its Revolutionary period, few though their numbers were.

In these days, when the foul breath of bigotry taints the atmosphere of civilization in more than one land, let us take a few moments of time to examine some of the facts which that record yields:

At Beaufort, a company of Jewish volunteers from Charleston, S. C., under the command of Capt. Richard Lushington, fought with high valor. Benjamin Aaron, an ensign of the Eighth Connecticut Regiment, served with distinction through the Revolution, enlisted again in the War of 1812, and remained in active service until his honorable discharge in 1815 with the rank of lieutenant colonel. Capt. Joseph Bloomfield, of the Third New Jersey Regiment, fought throughout the Revolution, and then as a brigadier general, served in the War of 1812 until his honorable discharge in 1815. Col. Solomon Bush, of the Pennsylvania Militia, was wounded in action and taken prisoner in 1777; resolutions praising him for his service were adopted by the honorable Board of War. One Reuben Etting, a 19-year-old lad of Baltimore, enlisted as a private and fought in numerous engagements until he was taken prisoner by the British. When finally released, he was broken in health from exposure in the field and ill treatment by his captors.

Isaac Franks, of Philadelphia, entered the Army soon after the Battle of Lexington. He eventually became aide-de-camp to General Washington, with the rank of colonel. One David S. Franks attained the post of aide-de-camp to Gen. Benedict Arnold. When the latter's treason became established Franks demanded a court of inquiry, and he was cleared of any complicity in Arnold's infamy. He later was sent by the Continental Congress to assist Benjamin Franklin and John Jay in their diplomatic missions in France, and was highly complimented by them for his service.

Emanuel de la Motta served in the Wars of the Revolution and of 1812, and by his conduct earned promotion from the ranks. Another patriot, Manuel M. Noah, not only served with distinction in the field on the staff of General Washington and of General Marion but also contributed £20,000 toward the support of the Continental Armies—a very substantial fortune in those days.

Maj. Benjamin Nones, who was a French Jew instilled with the spirit of Lafayette, landed in the Colonies in 1777, enlisted as a private under General Pulaski, and fought in every action in Carolina. He was promoted to major under Baron De Kalb and put in command of a battalion composed in large part of Jews. When Baron De Kalb was fatally wounded at the Battle of Camden, S. C., on August 6, 1780, it was Major Nones, assisted by Captains de la Motta and Jacob de Leon, who carried their commander from the battlefield.

These are but a few of the children of Abraham who freely offered their lives to the Colonies in their grim fight for independence. No roll of these early Jewish patriots would be complete without the name of Haym M. Solomon, that Polish Jew and financier, who gave virtually every cent of his large fortune to the cause of liberty and died in ill health and poverty. Robert Morris, the financial genius of the Revolution, said of Solomon that he was the man "who saved the Colonies from almost inevitable defeat in the last critical, poverty-stricken years of the American Revolution.

When we review the history of our country, it would seem as though the guiding hand of Providence led Washington to the post of presiding officer of the Constitutional Convention, which, on September 17, 1787, brought forth that great document which is the Constitution of the United States. It was fortunate, indeed, that the man who had led the fight through the days of the Revolution for the attainment of political sovereignty and independence should have presided over the convention which laid the foundation stones of our Republic. In the stormy 4 months' sessions of that Convention it was the tact, the firmness, the gentle patience, and, above all, the statesmanship of Washington which made an effective contribution to the final settlement of the disputes and divisions of opinion which manifested themselves throughout those sessions.

It would also seem providential that the man who was called to the helm of the newly launched ship of state again was George Washington. He took his oath of office as our first President here in the city of New York on April 30, 1789. At that time the United States of America was composed of but 13 States stretched along the Atlantic seaboard and having a population of scarcely more than 4,000,000 souls. The infant Nation was still staggering in the morass of indebtedness of the War of the Revolution. Jealousies, which at times became very bitter, continually broke out among the several States. Again it was the wisdom, the vision, and the statecraft of Washington which guided the Republic through those tottering steps of its infancy. How well he and his associates who laid the foundation stones of the Republic, built, is best evidenced by the fact that the Nation of 13 States, with its 4,000,000 people, has within a period of less than a century and a half grown into a proud, majestic Nation of 48 States, stretching from the Atlantic on the east and the Pacific on the west, and peopled with a great mass of 125,000,000 souls, constituting the happiest and most enterprising aggregation under one flag ever to be found in the pages of history.

Whence has come this remarkable growth and development? Of course, the soil of America, blessed as it is with natural resources of great variety and almost incalculable value, has been indisputably a great contributing factor therein. But the historian who would give recognition to all factors making for this remarkable national expansion falls into serious error unless he takes into substantial account those other blessings that have been enjoyed by the people of America and which have flowed from the guaranties of liberty and equality given by the Constitution to all of its people. Attracted by these eternal principles of liberty and equality through all the generations since Washington's time, people from every soil on the face of the earth have come here. And so through the years the foreign-born sons and daughters of America have joined with the native born in the upbuilding of the great political structure that is America today.

One of the most interesting letters ever written by George Washington was addressed by him during the second year of his Presidency, in 1790, to one Moses Seixas, leader of a Jewish congregation in Newport, R. I., which was visited by Washington. The letter is of special interest, of course, to our citizens of the Jewish faith. But every citizen of America, regardless of his color, creed, or origin, will feel the inspiration of his words, which were as follows:

"Gentlemen, while I receive with much satisfaction your address replete with expressions of esteem, I rejoice in the opportunity of assuring you that I shall always retain grateful remembrance of the cordial welcome I experienced on my visit to Newport from all classes of citizens.

"The reflection on the days of difficulty and danger which are past is rendered the more sweet from a consciousness that they are succeeded by days of uncommon prosperity and security.

"If we have wisdom to make the best use of the advantages which we are now favored, we cannot fail, under the just administration of a good government, to become a great and happy people.

"The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy, a policy worthy of imitation. All possesses alike liberty of conscience and immunities of citizenship.

"It is now no more that toleration is spoken of as if it were by the indulgence of one class of people that another enjoyed the exercise of their inhert natural rights, for happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.

"It would be inconsistent with the frankness of my character not now to avow that I am pleased with your favorable opinion of my administration and fervent wishes for my felicity.

"May the children of the stock of Abraham who dwell in this land prosper and continue to merit and enjoy the good will of the other inhabitants, while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.

"May the Father of all mercies scatter light, and not darkness, upon our paths and make us all in our several vocations useful here, and in His own due time and way, everlastingly happy.

"(Signed) G. WASHINGTON."

Here in this letter is the great heart of Washington—with its tolerance, its love for all mankind, its respect for freedom of conscience, and for equality, throbbing with fervent impulses. And the citizens of America, not only of this day and generation but of the generations to come, can pay the highest homage to the memory of Washington by taking into their hearts these sentiments, so beautifully expressed by him in that letter to Moses Seixas. May Washington's sentiments bring to us all the full significance of that pledge of allegiance to the flag as we recite its words: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands. One nation indivisible, with liberty and justice for all!"

COMPARATIVE STATEMENT OF INDUSTRIAL AND BUSINESS CONDITIONS

Mr. CONNALLY. Mr. President, I ask permission to have printed in the RECORD a memorandum which I have had prepared from Government sources through various Government departments contrasting industrial and business conditions as of today with those of March 1933. I am sure it will be of interest to Senators.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

National wealth: [1]	
1932	$247,300,000,000
1935 (estimate)	$314,820,000,000
Gain, 23 percent.	
National income: [1]	
1932	$39,545,000,000
1935 (estimate)	$53,417,000,000
Gain, 30 percent.	

[1] Source: Department of Commerce.

Agriculture:		
Farm income: [1]		
1932		$5,337,000,000
1935		$8,110,000,000
Gain, 52 percent.		
Cotton: [2]		
1932	per pound	$0.07
1936	do	$0.11
Gain, 60 percent.		
Wheat: [3]		
1932	per bushel	$0.37
1936	do	$0.95
Wool (scoured): [2]		
1932	per pound	$0.47
1936	do	$0.85
Gain, 80 percent.		
Corn: [2]		
1932	per bushel	$0.31
1936	do	$0.55
Gain, 70 percent.		
Cottonseed: [2]		
1932	per ton	$10.35
1936	do	$32.00
Gain 209 percent.		
Wool consumption (domestic): [2]		
1933	pounds	188,500,000
1935	do	304,000,000
Gain, 60 percent.		
Cattle: [2]		
1933	value per head	$19.74
1936	do	$34.09
Gain, 72 percent.		
Hogs: [2]		
1933	do	$4.21
1936	do	$12.68
Gain, 200 percent.		
Dairy income: [2]		
1932		$1,263,000,000
1935		$1,600,000,000
Gain, 33 percent.		
Construction:		
Building construction: [4]		
1933		$1,255,708,400
1935		$1,844,544,000
Gain, 47 percent.		
Building contracts (month of January): [5]		
1933		$80,000,000
1936		$210,000,000
Gain, 162 percent.		
Dwelling units constructed: [6]		
1934		31,343
1935		80,969
Gain, 158 percent.		
Air conditioning: [1]		
1933		$4,100,000
1935		$19,578,600
Gain, 375 percent.		
Natural resources:		
Coal production: [6]		
1932	tons	31,522,000
1935	do	34,829,000
Gain, 10 percent.		
Oil production: [1]		
1932	barrels	785,159,000
1935	do	993,942,000
Gain, 26 percent.		
Silver: [1]		
1932	ounce	$0.28
1936	do	$0.45
Gain, 60 percent.		
Copper: [1]		
1932	pound	$0.055
1936	do	$0.092
Gain, 67 percent.		
Lumber production: [7]		
1932	feet	13,105,000,000
1935	do	18,464,000,000
Gain, 40 percent.		
Industries:		
Industrial profits (161 corporations): [8]		
1932	percent of 1926 base	12.2
1935	do	50.0
Gain, 300 percent.		
Steel production (daily average): [9]		
1932	ingots	42,701
1935	do	106,000
Gain, 148 percent.		

[1] Source: Department of Commerce.
[2] Source: Department of Agriculture.
[3] Source: Department of Agriculture and U. S. Grain Corporation.
[4] Source: F. W. Dodge & Co.
[5] Source: Chicago (Ill.) Tribune.
[6] Source: Financial Chronicle.
[7] Source: National Lumber Manufacturers Association.
[8] Source: Standard Statistics.
[9] Source: Steel Yearbook.

Industries—Continued.		
Automobiles (month of January): [5]		
1933	units	125,000
1935	do	380,000
Gain, 200 percent.		
Electrical output: [6]		
1932	kilowatts	77,442,112
1935	do	93,420,266
Gain, 20 percent.		
Retail sales: [1]		
1933		$25,030,000,000
1935		$32,606,000,000
Gain, 28 percent.		
Bank clearings: [6]		
1933		$241,342,499,718
1935		$297,172,288,516
Gain, 23 percent.		
Pay rolls (103 industries): [10]		
1933		$11,480,000,000
1935		$14,660,000,000
Gain, 20 percent.		
Advertising:		
Radio: [11]		
1932		$57,000,000
1935		$87,523,848
Gain, 52 percent.		
General: [12]		
1933		$440,000,000
1935		$520,000,000
Gain, 18 percent.		

[1] Source: Department of Commerce.
[5] Source: Chicago (Ill.) Tribune.
[6] Source: Financial Chronicle.
[10] Source: Department of Labor.
[11] Source: Broadcasting Yearbook.
[12] Source: Editor and Publisher.

NATIONAL YOUTH MOVEMENT

Mr. MINTON. Mr. President, I hold in my hand a letter from William Lowe Bryan, the president of the Indiana University and one of the great educators of this generation, in which he expresses his opinion about the worth and value of the National Youth Movement. I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDIANA UNIVERSITY,
Bloomington, March 31, 1936.

Hon. SHERMAN MINTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR MINTON: There is this to be said of the thousands of students who have had work through C. W. A., F. E. R. A., and N. Y. A.:

They have been rescued from demoralization by idleness and at the same time from demoralization by receiving money without working for it. They have been taken out of competition for jobs in their home communities, leaving available jobs for others of the unemployed. They have, by their school studies, been preparing for the work of life. They have been doing this in the years when the work of life must be prepared for. Whatever lies ahead of our Nation, nothing is so essential for the Nation or for our young people as that the young shall, by proper education, get ready for whatever may befall themselves and the Nation.

The Federal Government has done nothing else to meet the problems of depression more worthy of continuance than the N. Y. A.

Very truly yours,

W. L. BRYAN.

LETTERS CONCERNING ARMY DAY

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the President of the United States to Lt. Col. George E. Ijams, commander in chief of the Military Order of the World War, a letter from the Secretary of War, and a letter from the Chief of Staff, concerning Army Day.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 8, 1936.

Lt. Col. GEORGE E. IJAMS,
Commander in Chief, Military Order of the World War,
Washington, D. C.

DEAR COLONEL IJAMS: Army Day, which is annually observed on April 6, should serve to remind us of the splendid service rendered by our soldiers in peace and war during our century and a half of national existence. By their courage and sacrifice the members of our Army have kept our country secure in half a dozen major wars. Through their constructive labors in a score of unrelated fields they have served the Nation well in time of peace. In

opening to settlement our great domain, in constructing canals and improving navigation, in extending our knowledge of preventive medicine, and in contributing to the advancement of science in numerous other ways the Army has written a brilliant record of constructive service on the pages of American history.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

WAR DEPARTMENT,
Washington, February 29, 1936.

Maj. EDWIN S. BETTELHEIM, Jr.,
Adjutant General, Military Order of the World War,
Washington, D. C.

DEAR MAJOR BETTELHEIM: The Military Order of the World War in sponsoring Army Day is taking the leadership in informing the people of the country on the necessity for adequate national defense. Army Day occurs on the anniversary of our entrance into the World War, a struggle in which our success was jeopardized because of our unpreparedness. It is to be hoped that henceforward our defense establishments may be maintained at sufficient strength to lessen greatly the likelihood of our being involved in war.

National security is the concern of every citizen and in emphasizing its importance your organization is performing a patriotic civic duty.

Sincerely yours,

GEO. H. DERN, *Secretary of War.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, D. C., February 27, 1936.

Maj. EDWIN S. BETTELHEIM, Jr.,
Adjutant General, Military Order of the World War,
Washington, D. C.

DEAR MAJOR BETTELHEIM: For the annual observance of Army Day the people of the country are indebted very largely to the members of the Military Order of the World War. Your organization is performing a patriotic service in bringing annually to public attention the work of the officers and enlisted men of the United States Army. This service is deeply appreciated by the members of the Army and, I am sure, by the public.

The members of the Military Order of the World War served their country well in positions of responsibility during the World War and they are continuing to render constructive service in time of peace. To stimulate interest in sound national defense is a civic duty the value of which it is hard to overestimate.

I hope you will be kind enough to extend the greetings of the Army to the members of your order.

Sincerely yours,

MALIN CRAIG, *Chief of Staff.*

CHILD-LABOR AMENDMENT

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Washington News of April 3, 1936, entitled "A Sorry Picture." The editorial deals with the child-labor amendment.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of Apr. 3, 1936]

A SORRY PICTURE

The legislatures meeting this year are all adjourning without adding 1 to the 24 States that, after 11 years of campaigning, have ratified the pending child-labor amendment.

They leave a sorry picture. A picture of 667,000 children between 10 and 15, and 1,500,000 children of 16 and 17, at work. More than 2,000,000 youngsters under 18 holding down jobs, while 10,000,000 adults are idle.

The drab statistical canvass is made lurid by stories told in the industrial East, the textile mills of the South, the sugar-beet fields of the West.

"The most you can make in an hour is a nickel", said 12-year-old Florence ———, telling a National Child Labor Committee investigator about her job of winding strings on cards in a woolen mill. Tillie ———, old at 15, took her father's job when he lost it, and now makes $7 a week in a bathrobe factory. And there's the account of Ernie Pyle of seeing children working as "pickers" in a Mississippi shrimp cannery, standing to their tasks from 4 a. m. until 6 at night.

The N. R. A. was a friend of these children. But it, too, is gone. Eloquent of what is happening is a report just issued by the Children's Bureau of the United States Department of Labor covering the 7 months following the Schechter decision. This indicates that the number of children 14 and 15 receiving employment certificates in these months was 55 percent greater than the number during the whole of 1934, when N. R. A. was in effect. Of the new child workers 29 percent went into manufacturing, mechanical, and mercantile industries, compared with only 5 percent in 1934—industries where adult unemployment is most glaring.

There is something very disturbing about failure of the States to ratify the child-labor amendment. Is it because the cheap-labor lobbies speak louder than the children of the poor?

Whether from moral obtuseness or from economic illiteracy, the fact is that the States are making a poor showing of their ability to cope with the simplest and most obvious social reform before them.

DEPORTATION OF ALIEN CRIMINALS

Mr. ROBINSON. Mr. President, pursuant to the statement which was made yesterday, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 2969, being the so-called alien deportation bill.

There being no objection, the Senate proceeded to consider the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute reported separately by the Committee on Immigration.

The amendment in the nature of a substitute, reported by the Committee on Immigration, is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That an alien who entered the United States either from a foreign country or an insular possession, either before or after the passage of this act, shall be deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; U. S. C., 1934 ed., title 8, secs. 155, 156), at any time if he—

"(1) Has been convicted of violation of any narcotic law of any State, Territory, insular possession, or the District of Columbia;

"(2) Has been convicted in the United States within 5 years of the institution of deportation proceedings against him of a crime involving moral turpitude, but if the alien was not sentenced to imprisonment he shall be deported only if the Commissioner of Immigration and Naturalization finds that the deportation of the alien is in the public interest;

"(3) Knowingly and for gain encouraged, induced, assisted, or aided anyone to enter the United States in violation of law, or on more than one occasion subsequent to the date of enactment of this act knowingly encouraged, induced, assisted, or aided anyone to enter the United States in violation of law; or

"(4) Has been convicted in the United States within 5 years of the institution of deportation proceedings against him of the crime of posessing or carrying any concealed or dangerous weapon (even if the alien was not sentenced to imprisonment) and if the Commissioner of Immigration and Naturalization finds that the deportation of the alien is in the public interest.

"SEC. 2. The second proviso to section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., 1934 ed., title 8, sec. 155), is amended to read as follows: *Provided further*, That the provisions of the immigration laws respecting the deportation of aliens convicted of crime shall not apply to one who has been pardoned, nor shall an alien convicted of crime be deported if the court, or judge thereof, where the conviction occurred shall within 90 days after such conviction (or within 90 days after the passage of this amendatory act), due notice having first been given to the prosecuting authorities, make a recommendation that the alien be not deported as a consequence of such conviction and if the Commissioner of Immigration and Naturalization approves that recommendation, nor shall an alien sentenced to imprisonment be deported under any provision of law until after the termination of the imprisonment, but the imprisonment shall be considered as terminated upon the release of the alien from confinement whether or not he is subject to rearrest or further confinement in respect to the same offense.'

"SEC. 3. (a) The Interdepartmental Committee may permit to remain in the United States any alien who entered the United States prior to the date of the enactment of this act and is found subject to deportation, other than one deportable under the act of October 16, 1918, as amended by the act of June 5, 1920 (40 Stat. 1012; 41 Stat. 1008; U. S. C. 1934 ed., title 8, sec. 137), or the act of May 26, 1922 (42 Stat. 596; U. S. C., 1934 ed., title 21, sec. 175), or the act of February 18, 1931 (46 Stat. 1171; U. S. C., 1934 ed., title 8, sec. 156a), or section 1 of this act, or the provisions of the act of February 5, 1917 (39 Stat. 874; U. S. C., 1934 ed., title 8, sec. 156), relating to prostitutes, procurers, or other like immoral persons, if the alien is of good moral character and has not been convicted of a crime involving moral turpitude and if he—

"(1) has lived continuously in the United States for a period of not less than 10 years; or

"(2) has lived continuously in the United States for at least 1 year and has living in the United States a parent, spouse, legally recognized child, or, if a minor, a brother or sister, who has been lawfully admitted for permanent residence or is a citizen of the United States.

"The authority of the Interdepartmental Committee shall not extend beyond 3 years after the date of the enactment of this act.

"(b) Any alien not ineligible to citizenship as to whom there is no record of admission for permanent residence who has been permitted to remain in the United States in accordance with subdivision (a) of this section shall be recorded as admitted to the United States for permanent residence as of the date of the order permitting him to remain upon payment of a fee of $18 to the Commissioner of Immigration and Naturalization, which fee shall

be deposited in the Treasury of the United States as miscellaneous receipts.

"SEC. 4. (a) An alien who was or hereafter may be admitted to the United States as a nonimmigrant under section 3 of the Immigration Act of 1924 (43 Stat. 154; U. S. C., 1934 ed., title 8, sec. 203), or as a student under subdivision (e) of section 4 of that act (43 Stat. 155; U. S. C., 1934 ed., title 8, sec. 204), and who is of a class admissible to the United States in a nonquota or preference-quota status, may make application to the Commissioner of Immigration and Naturalization for a change to the status of a person admitted as a nonquota immigrant under subdivision (a) of section 4 of that act (43 Stat. 155), as amended (U. S. C., 1934 ed., title 8, sec. 204 (a)), or as a person admitted by virtue of a preference in the quota under clause (A), paragraph (1), of section 6 of that act (43 Stat. 155), as amended (U. S. C., 1934 ed., title 8, sec. 206 (a)).

"(b) If the Commissioner of Immigration and Naturalization finds that said alien—

"(1) At the time of his application would be entitled to a nonquota visa or to such preference in the quota if he were outside the United States;

"(2) Did not enter the United States as a nonimmigrant or student to evade the quota provisions of the immigration laws; and

"(3) Is otherwise admissible under the immigration laws, then the Commissioner of Immigration and Naturalization may, in his discretion, change the status of said applicant to that of a person admitted for permanent residence without requiring the alien to obtain an immigration visa. For the purposes of the immigration and naturalization laws the alien shall be deemed to have entered the United States as of the date the application is granted.

"SEC. 5. Section 1 (a) of the act entitled 'An act to supplement the naturalization laws, and for other purposes', approved March 2, 1929 (45 Stat. 1512), is hereby amended to read as follows:

"'That (a) the registry of aliens at ports of entry required by section 1 of the act of June 29, 1906 (34 Stat. 596; U. S. C., 1934 ed., title 8, sec. 106), as amended, may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner of Immigration and Naturalization that he—

"'(1) Entered the United States prior to July 1, 1924;

"'(2) Has resided in the United States continuously since such entry;

"'(3) Is a person of good moral character; and

"'(4) Is not subject to deportation.'

"SEC. 6. (a) In any proceeding under sections 3, 4, or 5 of this act the burden of proof shall be upon the alien to establish every requisite fact.

"(b) At the end of each fiscal year, the Secretary of Labor shall report to the Secretary of State the number and (as determined in accordance with sec. 12 of the Immigration Act of 1924 (43 Stat. 160; U. S. C., 1934 ed., title 8, sec. 212), the nationality of all aliens who—

"(1) Were allowed to remain in the United States under section 3, or were given the status of permanent residents under section 4, or were registered under section 5; and

"(2) Entered the United States on or after June 3, 1921, and were not charged to any quota at the time of their last entry.

"(c) The Secretary of State shall deduct the number of aliens so reported from the appropriate quotas (determined in accordance with the provisions of sec. 11 of the Immigration Act of 1924 (43 Stat. 159; U. S. C., 1934 ed., title 8, sec. 211)), for the next succeeding fiscal year, or for later fiscal years if necessary to account for the whole number of aliens so reported.

"SEC. 7. For every application granted under section 4 of this act the alien shall pay to the Commissioner of Immigration and Naturalization a fee of $18, which fee shall be deposited in the Treasury of the United States as miscellaneous receipts. Subdivision (b) of section 1 of the act of March 2, 1929, as amended by the act of April 19, 1934 (48 Stat. 597; U. S. C., 1934 ed., title 8, sec. 106a (b)), is amended as follows: Whenever in said subdivision the words 'a fee of $10' occur they shall be amended to read 'a fee of $18.'

"SEC. 8. The Secretary of Labor may specifically designate persons holding supervisory positions in the Immigration and Naturalization Service to issue warrants for the arrest of aliens believed to be subject to deportation under this or any other statute: *Provided*, That no person shall act under a warrant issued by himself.

"SEC. 9. Any employee of the Immigration and Naturalization Service designated by the Commissioner of Immigration and Naturalization shall have power to detain for investigation any alien whom he has reason to believe is subject to deportation under the immigration laws on the ground that he entered the United States without an immigration visa or without inspection or has remained in the United States beyond the period for which he has been temporarily admitted. Any alien so detained shall be immediately brought before an immigrant inspector designated for that purpose by the Commissioner of Immigration and Naturalization, and shall not be held in custody for more than 24 hours thereafter unless, prior to the expiration of that time, a warrant for his arrest is issued. The detention of any alien pursuant to this section shall immediately be reported to the Commissioner of Immigration and Naturalization.

"SEC. 10. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this act.

"SEC. 11. The Inter-Departmental Committee as referred to in this act shall be composed of a representative of each of the Departments of Labor, State, and Justice. The representatives and one alternate for each of them shall be designated respectively by the Secretary of Labor, the Secretary of State, and the Attorney General.

"SEC. 12. The foregoing provisions of this act, with the exception of sections 2 and 5, are in addition to and not in substitution for the provisions of the immigration laws (including sec. 19 of the Immigration Act of Feb. 5, 1917 (39 Stat. 889; U. S. C., 1934 ed., title 8, sec. 155)), and shall be enforced as part of such laws.

"SEC. 13. Clause (B) of paragraph (1) of subsection (a) of section 6 of the Immigration Act of 1924 (43 Stat. 155), as amended (U. S. C., 1934 ed., title 8, sec. 206 (a)), which grants to quota immigrants skilled in agriculture, their wives and their dependent children under the age of 18 years, a preference within the quota, is repealed."

Mr. ROBINSON. Mr. President, I understand there is to be some discussion of the subject. The Senator from Massachusetts [Mr. COOLIDGE], the chairman of the Committee on Immigration, expects to discuss the bill, and other Senators also wish to discuss the bill.

Mr. COOLIDGE obtained the floor.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. COOLIDGE. I yield.

Mr. AUSTIN. At this point I offer an amendment to the committee amendment now before the Senate. I send the amendment to the desk and ask to have it stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 4, beginning with line 7, it is proposed to strike out all after "1917" down to and including "turpitude", in line 10, and to substitute therefor the following:

(39 Stat. 874), relating to classes excluded entry thereby and classes excluded entry by laws referred to therein and not altered thereby, and classes deportable for causes other than having entered or being found in the United States without an immigration visa or a record of admission for permanent residence.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Vermont to the amendment in the nature of a substitute.

Mr. JOHNSON. I suggest the absence of a quorum. I know there are some Members of the Senate who desire to speak on the subject.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Clark	King	Pope
Austin	Connally	La Follette	Radcliffe
Bachman	Coolidge	Lewis	Reynolds
Bailey	Copeland	Logan	Robinson
Barbour	Couzens	Lonergan	Schwellenbach
Barkley	Davis	Long	Sheppard
Benson	Donahey	McGill	Shipstead
Bilbo	Duffy	McKellar	Smith
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	Gibson	Minton	Townsend
Brown	Glass	Moore	Truman
Bulkley	Guffey	Murphy	Tydings
Bulow	Harrison	Murray	Vandenberg
Byrd	Hastings	Neely	Van Nuys
Byrnes	Hatch	Norris	Wagner
Capper	Hayden	Nye	Walsh
Caraway	Holt	O'Mahoney	Wheeler
Carey	Johnson	Overton	

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Seventy-nine Senators have answered to their names. A quorum is present.

Mr. COOLIDGE. Mr. President, the measure under consideration is the amendment favorably reported from the Committee on Immigration in the nature of a substitute for Senate bill 2969. As a matter of record, I should like to call attention to a typographical error appearing on page 4, line 8. The figure there is "156." It should be corrected to be "155."

The bill contains three essential provisions: To authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal class, and to provide for legalizing the residence in the United States of certain classes of aliens. The bill is not an immigration bill.

As chairman of the Committee on Immigration, I had received considerable correspondence showing that there was much interest in legislation of this character. I therefore got in touch with the members of my committee and tried to arrange with them the dates when they could best attend hearings which would not conflict with other meetings they might feel it was important for them to attend. After arranging for the meetings I sent telegrams to all the organizations and individuals interested, stating the dates of the proposed hearings on the bill.

The committee held several hearings at which much interest was shown, and a majority of the committee was in attendance at practically every meeting. There were some laymen on the committee. There were eight constitutional lawyers on the committee, and at least six of those eight lawyers were present at every meeting. The hearings were very interesting. Those who were for the bill and those who were against the bill were given very wide latitude.

IMPEACHMENT OF HALSTED L. RITTER

The PRESIDING OFFICER (Mr. BACHMAN in the chair). The hour of 1 o'clock having arrived, to which the Senate sitting as a Court of Impeachment adjourned, the Senate is now in session as a Court to try the articles of impeachment against Halsted L. Ritter, United States district judge for the southern district of Florida.

The managers on the part of the House of Representatives, Hon. HATTON W. SUMNERS, of Texas; Hon. RANDOLPH PERKINS, of New Jersey; and Hon. SAM HOBBS, of Alabama, were announced by the secretary to the majority and conducted to the seats assigned them.

The respondent, Halsted L. Ritter, and his counsel, Frank P. Walsh, Esq., and Carl T. Hoffman, Esq., entered the Chamber and took the seats assigned them.

The PRESIDING OFFICER. The Sergeant at Arms will now make proclamation.

The Deputy Sergeant at Arms made the usual proclamation.

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk (Emery L. Frazier) called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Clark	King	Pope
Austin	Connally	La Follette	Radcliffe
Bachman	Coolidge	Lewis	Reynolds
Bailey	Copeland	Logan	Robinson
Barbour	Couzens	Lonergan	Schwellenbach
Barkley	Davis	Long	Sheppard
Benson	Donahey	McGill	Shipstead
Bilbo	Duffy	McKellar	Smith
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	Gibson	Minton	Townsend
Brown	Glass	Moore	Truman
Bulkley	Guffey	Murphy	Vandenberg
Bulow	Harrison	Murray	Van Nuys
Byrd	Hastings	Neely	Wagner
Byrnes	Hatch	Norris	Walsh
Capper	Hayden	Nye	Wheeler
Caraway	Holt	O'Mahoney	
Carey	Johnson	Overton	

Mr. LEWIS. Mr. President, permit me at this point to reannounce the absence of certain Senators and the reasons given therefor as announced on a previous roll call.

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

The Chair wishes to inquire if there are any Members of the Senate present who have not heretofore been sworn as members of the Court?

Mr. HASTINGS and Mr. REYNOLDS rose, and the oath was administered to them by the Presiding Officer.

Mr. ASHURST. I ask unanimous consent that the Journal of the proceedings of the last session of the Senate sitting as a Court of Impeachment be considered as read and approved.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Journal is approved.

RULING ON THE MOTION OF RESPONDENT TO STRIKE OUT

The PRESIDING OFFICER. On the motion of the honorable counsel for the respondent to strike article I of the articles of impeachment or, in the alternative, to require the honorable managers on the part of the House to make an election as to whether they will stand upon article I or upon article II, the Chair is ready to rule.

The Chair is clearly of the opinion that the motion to strike article I or to require an election is not well taken and should be overruled.

His reason for such opinion is that articles I and II present entirely different bases for impeachment.

Article I alleges the illegal and corrupt receipt by the respondent of $4,500 from his former law partner, Mr. Rankin.

Article II sets out as a basis for impeachment an alleged conspiracy between Judge Ritter; his former partner, Mr. Rankin; one Richardson, Metcalf & Sweeny; and goes into detail as to the means and manner employed whereby the respondent is alleged to have corruptly received the $4,500 above mentioned.

The two allegations, one of corrupt and illegal receipt and the other of conspiracy to effectuate the purpose, are, in the judgment of the Chair, wholly distinct, and the respondent should be called to answer each of the articles.

What is the judgment of the Court with reference to that particular phase of the motion to strike?

Mr. KING. Mr. President, if it be necessary, I move that the ruling of the honorable Presiding Officer be considered as and stand for the judgment of the Senate sitting as a Court of Impeachment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the ruling of the Chair is sustained by the Senate.

With reference to article VII of the articles of impeachment, formerly article IV, the Chair desires to exercise his prerogative of calling on the Court for a determination of this question.

His reason for so doing is that an impeachment proceeding before the Senate sitting as a Court is sui generis, partaking neither of the harshness and rigidity of the criminal law nor of the civil proceedings requiring less particularity.

The question of duplicity in impeachment proceedings presented by the honorable counsel for the respondent is a controversial one, and the Chair feels that it is the right and duty of each Member of the Senate, sitting as a Court, to express his views thereon.

Precedents in proceedings of this character are rare and not binding upon this Court in any course that it might desire to pursue.

The question presented in the motion to strike article VII on account of duplicity has not, so far as the Chair is advised, been presented in any impeachment proceeding heretofore had before this body.

The Chair therefore submits the question to the Court.

Mr. ASHURST. Mr. President, under the rules of the Senate, sitting as a Court of Impeachment, all such questions, when submitted by the Presiding Officer, shall be decided without debate and without division, unless the yeas and nays are demanded by one-fifth of the Members present, when the yeas and nays shall be taken.

The PRESIDING OFFICER. The Chair, therefore, will put the motion. All those in favor of the motion of counsel for the respondent to strike article VII will say "aye." Those opposed will say "no."

The noes have it, and the motion in its entirety is overruled.

What is the further pleasure of the Court?

Mr. ASHURST. Mr. President, it is appropriate now for the learned counsel for the respondent to file their answer and have it read, if they choose.

Mr. KING. I think it should be read.

Mr. ASHURST. As suggested by the able Senator from Utah, the answer should be read.

The PRESIDING OFFICER. Counsel for the respondent may now read their answer.

MOTION OF MANAGERS TO STRIKE SPECIFICATIONS NOS. 1 AND 2 OF ARTICLE VII

Mr. Manager SUMNERS. Mr. President, with the permission of the Senate, on behalf of the managers, I should like to make a very brief announcement.

The PRESIDING OFFICER. The manager on the part of the House is recognized.

Mr. Manager SUMNERS. The statement will be of interest to counsel for the respondent. Article VII——

Mr. ASHURST. Mr. President, again, with reluctance and regret, I must ask all who speak during the impeachment proceedings to speak more loudly. Audition is very important. Those of us in the back row are unable to hear a word that is being uttered by the honorable manager. Therefore, all voices must be raised, so that, at least, we may have audition.

Mr. ROBINSON. Mr. President, I suggest that the manager on the part of the House, who now has the floor, take the rostrum.

The PRESIDING OFFICER. The honorable manager will proceed to the rostrum.

Mr. Manager SUMNERS (speaking from the desk in front of the Vice President). Mr. President, the suggestion which the managers desire to make at this time has reference to specifications 1 and 2 of article VII. These two specifications have reference to what I assume counsel for respondent and the managers as well, recognize are rather involved matters, which would possibly require as much time to develop and to argue as would be required on the remainder of the case.

The managers respectfully move that those two counts be stricken. If that motion shall be sustained, the managers will stand upon the other specifications in article VII to establish article VII. The suggestion on the part of the managers is that those two specifications in article VII be stricken from the article.

The PRESIDING OFFICER. What is the response of counsel for the respondent?

Mr. McNARY. Mr. President, there was so much rumbling and noise in the Chamber that I did not hear the position taken by the managers on the part of the House.

The PRESIDING OFFICER. The managers on the part of the House have suggested that specifications 1 and 2 of article VII be stricken on their motion.

Mr. ASHURST. Mr. President, inasmuch as I did not hear a single word that was uttered, I am powerless to reach a conclusion. I again say we will have to have the official reporters read what is said unless Senators and the managers and counsel shall elevate their voices. Otherwise we will hear nothing that is said.

The PRESIDING OFFICER. Does the Senator from Arizona desire that the manager or the Chair shall restate what was said?

Mr. ASHURST. Let the learned manager repeat or the Chair state what was done, and whatever is done let all voices be elevated.

Mr. Manager SUMNERS. I am sorry. I have been accustomed to speaking in a hall larger than this one where we do not hear with such difficulty. I shall do my best to make myself heard.

The motion on the part of the managers is that specifications 1 and 2 be stricken from article VII.

Mr. SHIPSTEAD rose.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. SHIPSTEAD. In view of the difficulty we have in hearing, I would suggest that the same arrangement be made as on a former impeachment trial, which was to install a microphone so everyone in the Senate Chamber may hear what is said by the managers on the part of the House and by attorneys for the respondent.

The PRESIDING OFFICER. The Chair will take up that matter with the Sergeant at Arms and undertake to see what can be done.

What have counsel for the respondent to say?

Mr. HOFFMAN. Mr. President, the respondent is ready to file his answer to article I, to articles II and III as amended, and to articles IV, V, and VI. In view of the announcement just made asking that specifications 1 and 2 of article VII be stricken, it will be necessary for us to revise our answer to article VII and to eliminate paragraphs 1 and 2 thereof. That can be very speedily done with 15 or 20 minutes if it can be arranged for the Senate to indulge us for that length of time.

The PRESIDING OFFICER. Is there objection to the motion submitted on the part of the managers?

Mr. HOFFMAN. We have no objection.

The PRESIDING OFFICER. The motion is made. Is there objection? The Chair hears none, and the motion to strike is granted.

Mr. ROBINSON. Mr. President, it would seem that in the interest of the conservation of time and for the convenience of the Court, the motion should have been made prior to the decision on the question involved in the motion of counsel to strike certain articles. I merely make that observation for the consideration of the Court.

ANSWER OF RESPONDENT, HALSTED L. RITTER

The PRESIDING OFFICER. The clerk will now read the answer as submitted by counsel for the respondent, omitting the answer with reference to article VII as suggested by counsel.

Mr. HOFFMAN. Mr. President, I might suggest that we file the answers to all articles as prepared, and then the motion to strike shall take effect after presentation of the answer. That will eliminate the necessity for revising the answer.

Mr. HASTINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HASTINGS. Was the motion disposed of as made by the managers?

The PRESIDING OFFICER. There was no objection made to the motion, and the Chair announced that it was granted.

Mr. HASTINGS. Then specifications 1 and 2 of article VII have been stricken?

The PRESIDING OFFICER. That is correct. The clerk will read.

The legislative clerk proceeded to read and read the answers to articles I and II and part of the answer to article III, when the reading was interrupted by——

Mr. ROBINSON. Mr. President, after consultation with the managers and the counsel, I ask unanimous consent of the Court that the further reading of the answer be dispensed with. It will have to be printed anyway and will be available for the use of counsel.

The PRESIDING OFFICER (Mr. MURRAY in the chair). Is there objection? The Chair hears none, and it is so ordered.

The answer of the respondent entire is as follows:

In the Senate of the United States of America sitting as a Court of Impeachment. *United States of America* v. *Halsted L. Ritter*. Answer of respondent, Halsted L. Ritter, to the articles of impeachment, as amended, exhibited against him by the House of Representatives of the United States

ANSWER TO ARTICLE I

For answer to the first article the respondent says this honorable Court ought not to have or take further cognizance of the first of said articles of impeachment so exhibited and presented against him, because he says the facts set forth in said first article do not constitute an impeachable high crime and misdemeanor, as defined in the Constitution of the United States, and that, therefore, the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said first article.

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to said first article, said respondent saving to himself all advantages of exception to said first article, for answer thereto says:

I. Respondent admits that he is now and was at all times mentioned in said article one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and by arrangement among said judges is domiciled in and exercising jurisdiction throughout the Miami division of such district.

II. And further answering said article, respondent says:

Respondent admits that for some time prior to the appointment of respondent as such judge the respondent and A. L. Rankin were copartners engaged in the practice of law, with offices at West Palm Beach, Fla., and within the southern judicial district of Florida, and under the firm name of Ritter & Rankin; that upon the appointment of respondent as such judge the said copartnership was terminated and dissolved.

A. L. Rankin on October 11, 1929, as one of the solicitors for the plaintiffs, in association with Ernest Metcalf, the other solicitor for the plaintiffs, filed in the United States District Court for the

Southern District of Florida, at the office of the clerk of said court, a bill of complaint, the initial pleading in the equity suit (no. 678–M), styled, Bert E. Holland, Catherine Sugden, a widow, and Whitfield W. Johnson, as trustees, plaintiffs, against Whitehall Building & Operating Co., a Florida corporation, American Bond & Mortgage Co., Inc., an Illinois corporation, and six other defendants, such suit being instituted by the plaintiffs for the benefit of themselves as holders of bonds secured by the deed of trust therein sought to be foreclosed and for the benefit of all other holders of other bonds secured by said deed of trust, equally and ratably, and charging therein fraud, dereliction of duty on the part of the trustee under the deed of trust, and maladministration of said trustee and the existence of an interest in such trustee in conflict with and adverse to that of the bondholders.

On May 21, 1930, respondent entered an order in the case making a partial allowance to A. L. Rankin of $2,500 as a reasonable advancement for the services rendered in conserving the property in question and causing the trust estate, including the net income and profits thereof for the preceding season, amounting to $237,000, to be subjected to the purposes of the trust, said A. L. Rankin being entitled thereto under the authorities, and such order having been made upon a hearing of the petition of said Rankin therefor, at which hearing all parties in interest were represented and such partial allowance being then and there consented to, and which said order is in the words and figures following:

"Upon petition of plaintiffs and interveners in the above-styled cause for an order fixing a reasonable compensation for their attorney, A. L. Rankin, for services rendered plaintiffs, interveners and all first-mortgage bondholders of Whitehall Building & Operating Co., in conserving, bringing into court, and creating assets for benefit of all said first-mortgage bondholders, and the same being duly considered by the court, and the court being fully advised in the premises, and all parties interested being before the court and consenting thereto, it is therefore

"Ordered, adjudged, and decreed that upon the said petition the sum of $2,500 is hereby allowed as a reasonable advancement for the services rendered in the said receivership matter for conserving the property, bringing the same into court, and creating the fund in the hands of the receiver, the final total allowance to be later determined, and the said Walter S. Richardson, as such receiver, be, and he is hereby, authorized and directed to pay to the said A. L. Rankin, as such attorney, out of the funds in his hands as such receiver, the said sum of $2,500, which is herein fixed and allowed."

Respondent on July 2, 1930, did refer to another judge of the United States District Court of the Southern District of Florida, to wit, Hon. Alexander Akerman, the said application of A. L. Rankin for allowance of compensation unto said Rankin for the services by him rendered in conserving and bringing into court and subjecting the trust estate to the purposes of the trust, the assets made the subject matter of said suit, including the net income and profits thereof for the preceding season, amounting to $237,000, and did request the said Alexander Akerman to entertain such application and to fix and determine the total amount to be allowed said Rankin for such service upon such application. The request of respondent directed to said Hon. Alexander Akerman being in the form of a letter in the words and figures following:

JULY 2, 1930.

Hon. ALEXANDER AKERMAN,
United States District Judge, Tampa, Fla.

MY DEAR JUDGE: In the case of *Holland et al.* v. *Whitehall Building & Operating Co.* (no. 678–M–Eq.), pending in my division, my former law partner, Judge A. L. Rankin, of West Palm Beach, has filed a petition for an order allowing compensation for his services on behalf of the plaintiff.

I do not feel that I should pass, under the circumstances, upon the total allowance to be made Judge Rankin in this matter. I did issue an order, which Judge Rankin will exhibit to you, approving an advance of $2,500 on his claim, which was approved by all attorneys.

You will appreciate my position in the matter, and I request you to pass upon the total allowance which should be made Judge Rankin in the premises as an accommodation to me. This will relieve me from any embarrassment hereafter if the question should arise as to my favoring Judge Rankin in this matter by an exorbitant allowance.

Appreciating very much your kindness in this matter, I am,
Yours sincerely,

HALSTED L. RITTER.

Respondent denies that it was his intention or purpose in referring said matter to said Alexander Akerman, to have such judge fix and determine the total allowance for the said Rankin for all services theretofore rendered and to be thereafter rendered by the said Rankin as counsel for the plaintiffs in said case to the conclusion of the litigation, and the respondent positively asserts that the application of the said Rankin so referred to and entertained by the said Alexander Akerman related to the services rendered in said matter in conserving the assets and subjecting the trust estate to the purposes of the trust, and did not relate to services to be rendered in foreclosing the deed of trust involved in said cause, nor to any decree that might thereupon thereafter be rendered, the said cause not having at the time progressed to that stage at which final decree upon the merits would be appropriate.

Respondent contemplated and expected that the said Rankin would present to the said Honorable Alexander Akerman and that said judge would peruse the application of the said Rankin so referred by respondent to said judge, and would act upon the said application in due course and in customary manner and upon adequate proof and showing as to the reasonableness and propriety of the award to be so made thereon.

Thereafter, on July 5, 1930, the Honorable Alexander Akerman did entertain the application of the said Rankin for such compensation for such services, which application is in the words and figures following:

"Now comes plaintiffs and interveners in the above-styled cause by their attorney, A. L. Rankin, and show unto the court that your petitioners by and through their attorney, A. L. Rankin, in behalf of themselves and all other bondholders of Whitehall Building & Operating Co. have caused property of the value of more than $1,750,000 to be brought into court and placed in the hands of a receiver for the purpose of protecting and conserving the said property and the rents, income, and profits therefrom for the benefit of all first-mortgage bondholders, and in addition to the property being conserved and brought into court, there has been created by virtue of the said receivership for the benefit of all bondholders the sum of approximately $237,000, which sum is now in the hands of the receiver; that your petitioners had an agreement with their said attorney that they would pay him for his legal services rendered in said cause a reasonable attorney's fee, the reasonableness of which fee was to be determined and fixed by the court; that petitioners' said attorney filed the bill of complaint for said petitioners the first part of October 1929, and a receiver was appointed by this honorable court on the 28th day of October 1929; and that he has rendered legal services for your petitioners in this matter continuously since the filing of said bill in having a receiver appointed, in advising with receiver for the benefit of all bondholders as to the care, protection, conservation, management, and operation of the property in the hands of said receiver, and has represented your petitioners in various and sundry matters, petitions, and legal controversies incident to said suit and said receivership for more than 8 months, for which services he has received no compensation whatever nor no compensation for the expenses necessarily incident to this work.

"The premises considered, your petitioners would pray Your Honor to ascertain what is a reasonable attorney's fee for the services rendered by their said attorney, A. L. Rankin, in the said receivership proceedings, and in conserving the said assets of the said Whitehall Building & Operating Co., bringing said assets into court and causing to be created the funds now in the hands of Walter S. Richardson, as receiver of said property, in the sum of approximately $223,000, and to enter an order in this cause authorizing and directing the said Walter S. Richardson, as such receiver of the property of Whitehall Building & Operating Co. to pay to the said A. L. Rankin whatever sum Your Honor should find to be a reasonable compensation for the services rendered by the said A. L. Rankin as such attorney up to the present time."

And on July 5, 1930, the Honorable Alexander Akerman did enter his order upon such application of said Rankin in the words and figures following:

"Upon petition of plaintiffs and interveners in the above-styled cause, for an order fixing a reasonable compensation for their attorney, A. L. Rankin, for services rendered plaintiffs, interveners, and all first-mortgage bondholders of Whitehall Building & Operating Co. in conserving, bringing into court, and creating assets for benefit of all said first-mortgage bondholders, and the same being duly considered by the court, and the court being fully advised in the premises it is therefore

"Ordered, adjudged, and decreed that the said petition be, and the same is hereby, granted, and that the sum of $15,000 is hereby fixed as a reasonable compensation for the services rendered in the said receivership matter for conserving the property, bringing the same into court, and creating the fund in the hands of the receiver, and the said Walter S. Richardson, as such receiver, be, and he is hereby, authorized and directed to pay to the said A. L. Rankin, as such attorney, out of the funds in his hands as such receiver, the said sum of $15,000, which is herein fixed and allowed."

Among other matters presented to the court in connection with such application of said Rankin for such compensation were the affidavits of H. C. Fischer and George W. Coleman, attorneys at law, setting forth in such customary form the opinion of such attorneys as to the amount of a reasonable fee in the premises.

Respondent denies that the Honorable Alexander Akerman made any allowance of any fee to said Rankin for services of such attorney for the foreclosure of the trust deed involved in said litigation and denies respondent had any knowledge of any intention or purpose on the part of said Alexander Akerman to fix and determine, by his said order, the fee for said Rankin in full for the services of said Rankin for the foreclosure of the trust deed involved in said litigation at said time and date of such order, and so far in advance and prior to the determination and disposition of the litigation by final decree of foreclosure, and respondent denies he allowed to said Rankin an exorbitant fee in said case, and denies that the fee awarded the solicitor for the complainants, A. L. Rankin, in the final decree of foreclosure terminating the litigation had any relation to or connection with the compensation allowed unto said Rankin upon his application of May 1930, and asserts that the fee fixed and allowed in the said final decree of December 24, 1930, was reasonable and proper under the law, the facts, and the circumstances presented when the said decree was entered. The fee of $75,000 fixed and allowed in the final decree of December 24, 1930, was not by any of the parties to the cause at the time of the entry of said decree considered as a part or portion of the conservation fee, nor was such award of such fee in such final decree of December 24, 1930, made under or have any relation to

the May 1930 application for conservation fee filed by said A. L. Rankin; that the fee of $75,000 fixed in the final decree of foreclosure as compensation of the attorney for the complainants in the foreclosure of said trust deed was lawful, proper, and reasonable for the services rendered in the premises, and upon showing made before the court at the time and in connection with the adequacy and propriety of said sum was a just and proper allowance, the court having received and considered the affidavits of reputable, outstanding, and prominent members of the bar of the county in which the said property is located, namely, Bert Winters, H. C. Fischer, Harry A. Johnson, and E. B. Donnell, as to the reasonableness of such fee, and the parties to said cause, by and through their counsel of record, then and there present at the time and place of entry of said decree, having voiced their assent to the said sum and amount to be so allowed and fixed in said decree and having consented thereto, as did the said parties with respect to all other items and provisions of said decree, which said consent was prior to the entry of said decree manifested by the signatures of counsel for the respective parties to said cause upon the face of the decree, said decree so entered being one fully perused, analyzed, and consented and agreed to by and between the parties to the cause and their counsel as an appropriate decree, amicably disposing of and terminating the litigation, and such decree, and each and every provision thereof, was, prior to the entry thereof, submitted to and approved by the bondholders' committee, representing more than 90 percent of all of the bonds secured by the said deed of trust therein foreclosed and such litigation was terminated and concluded under and in accordance with the terms and provisions of said final decree, and no appeal therefrom was taken by any party to the cause.

While the fee of $75,000 was in said final decree allowed to the said A. L. Rankin alone, as plaintiffs' attorney in said cause, it was in fact the only and total fee allowed for the foreclosure of the deed of trust securing $2,500,000 of first-mortgage bonds upon the property sold in said cause at an upset price of $1,500,000 and such award did cover and embrace all services for the foreclosure of such deed of trust rendered by all counsel in the cause asserting the rights of their respective clients to foreclose the particular deed of trust involved in said cause, and such allowance of $75,000 was distributed among said attorneys pursuant to an agreement (to which respondent was not a party), reached by such attorneys at the time of and in connection with, their amicable adjustment of their differences upon the questions involved in said litigation and the conclusion and disposition of said litigation by such attorneys under the consent final decree submitted to and entered by the court under the circumstances hereinabove set out; the respondent was not a party to and had no connection, directly or indirectly, with the agreement and understanding between the litigants and their respective counsel with respect to the entry of said consent final decree of December 24, 1930, nor with respect to the distribution among such counsel of the fee fixed in said final decree of foreclosure as compensation of the attorney for the foreclosing plaintiffs.

Respondent denies that he profited directly out of the allowance for the attorney fees provided in said final decree, and denies that payments of money by said Rankin to respondent were corruptly made or corruptly received, and denies such payments were in any sense a gratuity or division of the fees allowed in said final decree or intended or received as such, and further answering the charges of article I, with reference to the said payments, respondent says:

That at the time of the dissolution of the copartnership existing between respondent and said A. L. Rankin, prior to the appointment of respondent as judge, the copartnership was vested with certain tangible assets, a clientele and numerous undisposed of, unsettled, unfinished, and incomplete cases in litigation in the State courts. No written partnership agreement existed between the parties, although said copartners were equally interested in the copartnership business and assets and at the time of the dissolution no formal or written dissolution agreement existed. At the time of the dissolution, it was agreed between the copartners that respondent should be entitled to receive, as and when collected, his rightful portion of fees due or soon to become due for work and services theretofore done and performed and which such fees at the time had been earned. It was further agreed between the copartners at the time of the dissolution that the respondent would be paid by Rankin an additional sum of $5,000 for the respondent's interest in the copartnership assets, business and clientele, at such time in the future and when Rankin might be able to pay such sum to the respondent.

Pursuant to the agreement and understanding had and entered into between said respondent and Rankin at the time of the dissolution of the copartnership, as aforesaid, Rankin did pay to the respondent on December 24, 1930, in cash the sum of $2,500, and on April 14, 1931, pursuant to said understanding and agreement of dissolution, Rankin did pay to respondent in cash the further sum of $2,000, on account of such lawful and just debt and obligation due and owing to the respondent from Rankin, and respondent properly, honestly, and in good faith accepted such payments in reduction of the then existing honest and lawful debt of the said Rankin to respondent.

Said Rankin did thereafter on September 23, 1931, pay to the respondent on account of such indebtedness the further sum of $200, and on January 28, 1932, Rankin did pay to respondent the further sum of $300, being the final payment of the balance due to respondent from Rankin for and on account of the indebtedness of $5,000 arising from the dissolution of the copartnership and under said dissolution understanding and agreement hereinabove set forth.

Upon receipt by respondent of such final payment of $300 on January 28, 1932, the respondent did deliver to Rankin a receipt for such final payment, which receipt given at the time and place of receipt of final payment, is in the words and figures following:

JANUARY 28, 1932.

Received of A. L. Rankin three hundred and no/100 dollars ($300) in full for balance on sale of business.

HALSTED L. RITTER.

On December 23, 1930, the City National Bank of Miami suspended business and closed its doors, it being the second large financial institution to suspend business in the city of Miami during the last 6 months of 1930, and because of the precarious condition and situation of the remaining financial institution in the city at the time, respondent deferred depositing the payment received from Rankin on December 24, 1930, until the latter part of the Christmas holidays, to-wit, December 29, 1930, on which date respondent deposited to respondent's credit in respondent's bank account at the First National Bank, of Miami, Fla., $2,000 of the said December 24, 1930, payment received from said Rankin and respondent retained in respondent's possession $500 of said sum, maintaining readily accessible such amount of currency as had numerous other citizens of the community, until the public confidence was restored in the banking situation in the city of Miami. Respondent also deposited in respondent's bank account at the First National Bank in Miami, Fla., on April 15, 1931, the additional $2,000 received by respondent from Rankin on April 14, 1931, hereinabove more particularly referred to.

And respondent denies that any of the acts or conduct of the respondent in the premises were corrupt or unlawful, and denies that he corruptly or unlawfully accepted or received any sums of money from said A. L. Rankin, as charged in article I, and avers that his acts and conduct in the premises was proper, honest, and lawful, and the $5,000 received as hereinabove set forth, was received by respondent lawfully, honestly, in good faith, and under the circumstances and for the purposes hereinabove set forth, in satisfaction and payment of a lawful and honest debt and obligation due and owing to respondent from said A. L. Rankin.

And respondent specifically denies that he was or is guilty of any misbehavior and denies that he was or is guilty of any high crime or misdemeanor charged in the said article I, and

Except as hereinabove specifically admitted or explained, respondent denies each and every allegation in said article I contained.

And this respondent in submitting to this honorable Court, this his answer to article I of the articles of impeachment exhibited against him respectfully insists that he is not guilty of any of the charges contained in the said article of impeachment.

ANSWER TO ARTICLE II

For answer to the second article, the respondent says this honorable Court ought not to have or take further cognizance of the second of said articles of impeachment so exhibited and presented against him, because he says the facts set forth in said second article do not constitute an impeachable high crime and misdemeanor, as defined in the Constitution of the United States, and that, therefore, the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said second article;

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to said second article, said respondent saving to himself all advantages of exception to said second article, for answer thereto says:

I. Respondent admits that he is now and was at all times mentioned in said article one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and by arrangement among said judges is domiciled in and exercising jurisdiction throughout the Miami division of such distirct.

II. And further answering said article respondent says:

Respondent admits that for sometime prior to the appointment of respondent as such judge the respondent and A. L. Rankin were copartners engaged in the practice of law, with offices at West Palm Beach, Fla., and within the southern judicial district of Florida, and under the firm name of Ritter & Rankin; that upon the appointment of respondent as such judge the said copartnership was terminated and dissolved.

On or about July 18, 1928, Walter S. Richardson was elected trustee in bankruptcy of the Whitehall Building & Operating Co., bankrupt, and as such trustee was in possession of the assets and property of such bankrupt estate, consisting principally of a large and exclusive hotel property located in the city of Palm Beach, Fla., in the southern district of Florida, and respondent says that Walter S. Richardson was not appointed by respondent but was selected and elected by the creditors in such bankruptcy proceeding in the court of the referee in bankruptcy long prior to the appointment of respondent as United States district judge.

Respondent admits such trustee in bankruptcy operated the hotel business and hotel property of the bankrupt subsequent to his appointment in accordance with the authority in him vested as such trustee under the provisions of the National Bankruptcy Act and the orders of the bankruptcy court.

A certificate of review was filed by the referee in bankruptcy August 26, 1929, reciting the proceedings had before such referee with respect to compensation of the trustee, attorneys for the trustee, and attorneys for the petitioning creditors, and reciting in connection therewith the action of the referee in the language following:

"After due notice to creditors, in compliance with the act, the referee did, on the 19th day of August 1929, enter an order allowing Walter S. Richardson, trustee, $12,868; Fancher, Paty & Warwick, attorneys for the trustee, $12,866; and Williamson & Cain, attorneys for the petitioning creditors, $12,866."

Upon review of the order of the referee in the premises fixing and apportioning the compensation in said matter as above recited, respondent, after full and exhaustive hearing in the matter and argument of counsel for the parties involved, did on November 1, 1929, enter an order, among other things, providing:

"It is therefore ordered, adjudged, and decreed that there be, and hereby is, allowed to Williamson & Cain, attorneys for petitioning creditors, a fee of $5,000; and to Fancher, Paty & Warwick, attorneys for the trustee in bankruptcy, a fee of $10,000; and to Walter S. Richardson, trustee, compensation and fee in the sum of $15,000.

"It is further ordered, adjudged, and decreed that the referee be, and hereby is, authorized to make such payments, crediting on such payments whatever sums under said amounts the said respective parties have heretofore received by any order of this court."

Respondent on December 13, 1929, ordered the distribution of the remainder of the administration expense fund on hand in bankruptcy matter and such order of the respondent in the premises was and is in the words and figures following:

"This cause coming on to be heard on report of the referee, and it appearing unto the court that the unsecured creditors in this cause have recommended that the balance of $8,600 remaining in this court be used to pay fees to the attorneys and trustee, and the court being advised in the premises,

"It is thereupon ordered, adjudged, and decreed that Williamson & Cain, attorneys for petitioning creditors, be allowed $2,500; Walter S. Richardson, trustee, be allowed $1,800; Fancher, Paty & Warwick, attorneys for the trustee, be allowed $4,300. These amounts to be in addition to those fees already allowed them by order of this court."

Respondent denies that respondent entered into any arrangement with any person or persons at any time with respect to the institution of the foreclosure suit involving the Whitehall Hotel or with respect to any action, step, deed, pleading, or proceedings, with respect to or in connection with the institution, prosecution, termination, or disposition of the said case, and denies that any person or persons did or performed any act or thing in connection with the institution, prosecution, or termination of said litigation pursuant to or in furtherance of any arrangement, understanding, or agreement with this respondent.

This respondent denies any knowledge of any acts, steps, deeds, or conduct of any party to or counsel in said cause (except such as occurred in open court), and says that he had no conversations or discussions with relation thereto or in connection therewith, with A. L. Rankin, Ernest Metcalf, Martin Sweeny, nor with any or either of said persons, and respondent avers that respondent at no time had any cause or reason to discuss the said litigation, or to interest himself therein, in any manner whatsoever, until the knowledge of the existence of such litigation was acquired by respondent by virtue of the initial hearing before respondent as judge of the United States District Court for the Southern District of Florida, in open court at Miami, Fla., on the occasion of the presentation of the application for receiver in said cause on or about October 28, 1929. Respondent had no knowledge or information concerning the said suit or concerning any bondholder's interest therein or concerning any party to said cause until the said cause was brought in due course before respondent in open court on the application of the appointment of a receiver on October 28, 1929, and respondent had no knowledge or information of or as to any understandings or arrangements between Walter S. Richardson, A. L. Rankin, Ernest Metcalf, and Martin Sweeny, or any of them or of any arrangements of either of said parties with any bondholder with respect to the institution of said suit, and respondent had no knowledge whatever of the filing of such suit by the plaintiffs or their counsel, prior to the time of the said hearing in the usual and customary manner.

Respondent admits he was holding court at Brooklyn, N. Y., in the southern district of New York during the month of September and the early part of October 1929. Respondent admits that during the time respondent was holding court at Brooklyn, N. Y., A. L. Rankin and S. J. Tucker did call upon respondent, but respondent denies that Walter S. Richardson called upon or visited respondent at Brooklyn, N. Y., as alleged in article II, and denies that Walter S. Richardson at any time during the period that respondent held court in New York, or any time, called upon respondent, or at any time discussed with respondent the said suit or any matter pending or connected with the institution or prosecution of said suit and denies that he at any time discussed this matter with Rankin at any time or place or had any knowledge of said action prior to the initial hearing therein before respondent in open court.

Respondent says that Rankin accompanied by S. J. Tucker called at the chambers of respondent at Brooklyn, N. Y., for the purpose of presenting, and did then and there present, to respondent an application for an order in a certain cause then pending in the District Court of the Southern District of Florida, in which S. J. Tucker, as receiver for Highland Glades Drainage District, in the case of *C. O. Kuehne et al.* v. *Highland Glades Drainage District* (no. 557–M–Eq.), and A. L. Rankin, as attorney for the receiver in said cause, sought an order relating to the settlement of certain taxes of the said district in Florida, over which cause and receivership respondent then had jurisdiction and which application was accompanied by a stipulation of counsel in the cause that the said application be considered by respondent while absent from his district, the parties thereto waiving any question of jurisdiction of respondent to entertain said application, and said application was at the said time and place acted upon by respondent, and no conversation or discussion was had by respondent with Rankin or Tucker with respect to any other cause or matter; that no mention was made by either of said parties of any contemplated suit or suits pertaining to the Whitehall Hotel or any other property and any and all allegations contained in article II, contrary to respondent's statement in this connection, are untrue.

Prior to the conduct of the examination of the witnesses appearing before the members of the subcommittee of the Judiciary Committee of the House of Representatives, and the conduct of this investigation under House Resolution No. 163, this respondent had no knowledge or information as to any correspondence, communications, or understandings between A. L. Rankin and Bert E. Holland.

Respondent denies that Bert E. Holland, at the time of the hearing on the application for receivership before the respondent or at any other time, advised the respondent that he wished to withdraw the suit instituted in his name and denies that Holland requested the court to dismiss the bill of complaint on the ground that the bill was filed without his authority or upon any other ground.

Respondent denies that any act or order of respondent during the pendency of said cause was due to, or in pursuance of, any previous knowledge or understanding in connection with the said case, or any phase thereof, and respondent denies that he appointed Walter S. Richardson receiver because of any previous arrangement or understanding with said Richardson or any other person, and respondent states that his appointment of Richardson was in the exercise of the discretion and judgment of respondent alone and was prompted by respondent's knowledge of the successful operation of the Whitehall Hotel property theretofore by Richardson as trustee in bankruptcy for said property which resulted in a net operating profit earned by said bankrupt estate under the trusteeship of said Richardson of approximately $300,000. Respondent considered said Richardson, by virtue of his previous experience in the successful operation of said property as trustee in bankruptcy in the prior case in said court, sufficient to eminently qualify Richardson to discharge creditably and successfully the duties of receiver in said cause; and respondent being of the opinion that the interest of the bondholders and all parties to the cause would best be served by the appointment of such experienced person as such receiver, the respondent, for such reasons and under such circumstances, did appoint Walter S. Richardson as receiver in such suit. No other person was recommended to the court at the hearing for appointment of a receiver in such cause, and no sufficient objection to the appointment of Richardson as such receiver was presented to said court at the time of his appointment.

Such receiver conducted and completed the receivership and properly accounted in the premises to the satisfaction of all parties in interest in the case, and no objections to the management of the affairs of such receivership, or the property therein involved, or the accounts of the receiver were ever made or presented to the respondent in said case. No party to the cause prosecuted any appeal in the litigation from the order of the court appointing such receiver or from any order entered by the court in the case at any stage of the proceedings.

Upon the appointment of Walter S. Richardson as such receiver, respondent did appoint as attorneys for such receiver one of the attorneys representing the plaintiffs and also one of the attorneys representing the defendant trustee under the trust deed and the opposing interests, in order that both the plaintiffs and the defendants could keep fully informed of the actions and conduct of the receiver in and about the operation of the property and at all times be conversant with the administration of such receivership at every stage of the proceedings. No objection was ever made by any party in interest in said cause to such action of the court, and such attorneys, promptly after the entry of said order, qualified as such attorneys and thereafter served in such capacity throughout such receivership.

Respondent admits allowances were made to Martin Sweeny and H. E. Bemis, as managers of the property involved in said litigation, employed by the receiver, and says that the allowances so made by respondent were fair, just, and reasonable allowances for the type, character, and results of the services by them rendered in the premises, and no objections were ever made to such allowances by any party to the cause, and no appeals were taken therefrom.

On May 21, 1930, respondent entered an order in the case making a partial allowance to A. L. Rankin of $2,500 as a reasonable advancement for the services rendered in conserving the property in question and causing the trust estate to be subjected to the purposes of the trust, said A. L. Rankin being entitled thereto under the authorities, and such order having been made upon a hearing of the petition of said Rankin therefor, at which hearing all parties in interest were represented, and such partial allowance being then and there consented to, and which said order is in the words and figures following:

"Upon petition of plaintiffs and interveners in the above-styled cause for an order fixing a reasonable compensation for their attorney, A. L. Rankin, for services rendered plaintiffs, interveners, and all first-mortgage bondholders of Whitehall Building & Operating Co. in conserving, bringing into court, and creating assets for benefit of all said first-mortgage bondholders, and the same being

duly considered by the court, and the court being fully advised in the premises, and all parties interested being before the court and consenting thereto: It is therefore

"Ordered, adjudged, and decreed that upon the said petition the sum of $2,500 is hereby allowed as a reasonable advancement for the services rendered in the said receivership matter for conserving the property, bringing the same into court, and creating the fund in the hands of the receiver, the final total allowance to be later determined; and the said Walter S. Richardson, as such receiver, be, and he is hereby, authorized and directed to pay to the said A. L. Rankin, as such attorney, out of the funds in his hands as such receiver, the said sum of $2,500 which is herein fixed and allowed."

Respondent, on July 2, 1930, did refer to another judge of the United States District Court for the Southern District of Florida, to wit, Hon. Alexander Akerman, the said application of A. L. Rankin for allowance of compensation unto said Rankin for the services by him rendered in conserving and bringing into court and subjecting the trust estate to the purposes of the trust the assets made the subject matter of said suit, and did request the said Alexander Akerman to entertain such application and to fix and determine the total amount to be allowed said Rankin for such service upon application. The request of respondent directed to said Hon. Alexander Akerman being in the form of a letter, in the words and figures following:

JULY 2, 1930.

Hon. ALEXANDER AKERMAN,
United States District Judge, Tampa, Fla.

MY DEAR JUDGE: In the case of *Holland et al.* v. *Whitehall Building & Operating Co.* (No. 678–M–Eq.), pending in my division, my former law partner, Judge A. L. Rankin, of West Palm Beach, has filed a petition for an order allowing compensation for his services on behalf of the plaintiff.

I do not feel that I should pass, under the circumstances, upon the total allowance to be made Judge Rankin in this matter. I did issue an order, which Judge Rankin will exhibit to you, approving an advance of $2,500 on his claim, which was approved by all attorneys.

You will appreciate my position in the matter, and I request you to pass upon the total allowance which should be made Judge Rankin in the premises as an accommodation to me. This will relieve me from any embarrassment hereafter if the question should arise as to my favoring Judge Rankin in this matter by an exorbitant allowance.

Appreciating very much your kindness in this matter, I am,
Yours sincerely,

HALSTED L. RITTER.

Respondent denies that it was his intention or purpose in referring said matter to said Alexander Akerman to have such judge fix and determine the total allowance for the said Rankin for all services theretofore rendered and to be thereafter rendered by the said Rankin as counsel for the plaintiffs in said case to the conclusion of the litigation, and respondent positively asserts that the application of the said Rankin so referred to and entertained by the said Alexander Akerman related to the services rendered in said matter in conserving the assets and subjecting the trust estate to the purposes of the trust, and did not relate to services to be rendered in foreclosing the deed of trust involved in said cause, nor to any decree that might thereafter be rendered, the said cause not having at the time progressed to that stage at which final decree upon the merits would be appropriate.

Respondent contemplated and expected that the said Rankin would present to the said Honorable Alexander Akerman, and that said judge would peruse the application of the said Rankin so referred by respondent to said judge, and would act upon the said application in due course and in customary manner and upon adequate proof and showing as to the reasonableness and propriety of the award to be so made thereon.

Thereafter, on July 5, 1930, the Honorable Alexander Akerman did entertain the application of the said Rankin for such compensation for such services, which application is in the words and figures following:

"Now comes plaintiffs and interveners in the above-styled cause, by their attorney, A. L. Rankin, and show unto the court that your petitioners by and through their attorney, A. L. Rankin, in behalf of themselves and all other bondholders of Whitehall Building & Operating Co., have caused property of the value of more than $1,750,000 to be brought into court and placed in the hands of a receiver for the purpose of protecting and conserving the said property and the rents, income, and profits therefrom for the benefit of all first-mortgage bondholders, and in addition to the property being conserved and brought into court, there has been created by virtue of the said receivership for the benefit of all bondholders, the sum of approximately $237,000, which sum is now in the hands of the receiver; that your petitioners had an agreement with their said attorney that they would pay him for his legal services rendered in said cause, a reasonable attorney's fee, the reasonableness of which fee was to be determined and fixed by the court; that petitioners' said attorney filed the bill of complaint for said petitioners the first part of October 1929, and a receiver was appointed by this honorable court on the 28th day of October 1929; and that he has rendered legal services for your petitioners in this matter continuously since the filing of said bill, in having a receiver appointed, in advising with receiver for the benefit of all bondholders as to the care, protection, conservation, management, and operation of the property in the hands of said receiver, and has represented your petitioners in various and sundry matters, petitions, and legal controversies incident to said suit and said receivership for more than 8 months, for which services he has received no compensation whatever nor no compensation for the expenses necessarily incident to this work.

"The premises considered, your petitioners would pray Your Honor to ascertain what is a reasonable attorney's fee for the services rendered by their said attorney, A. L. Rankin, in the said receivership proceedings, and in conserving the said assets of the said Whitehall Building & Operating Co., bringing said assets into court and causing to be created the funds now in the hands of Walter S. Richardson, as receiver of said property, in the sum of approximately $223,000 and to enter an order in this cause, authorizing and directing the said Walter S. Richardson, as such receiver of the property of Whitehall Building & Operating Co., to pay to the said A. L. Rankin whatever sum Your Honor should find to be a reasonable compensation for the services rendered by the said A. L. Rankin as such attorney up to the present time."

And on July 5, 1930, the Honorable Alexander Akerman did enter his order upon such application of said Rankin, in the words and figures following:

"Upon petition of plaintiffs and interveners in the above-styled cause, for an order fixing a reasonable compensation for their attorney, A. L. Rankin, for services rendered plaintiffs, interveners, and all first-mortgage bondholders of Whitehall Building & Operating Co., in conserving, bringing into court, and creating assets for benefit of all said first-mortgage bondholders, and the same being duly considered by the court, and the court being fully advised in the premises, it is therefore

"Ordered, adjudged, and decreed that the said petition be, and the same is hereby granted, and that the sum of $15,000 is hereby fixed as a reasonable compensation for the services rendered in the said receivership matter for conserving the property, bringing the same into court, and creating the fund in the hands of the receiver, and the said Walter S. Richardson, as such receiver be, and he is hereby, authorized and directed to pay to the said A. L. Rankin, as such attorney, out of the funds in his hands as such receiver, the said sum of $15,000, which is herein fixed and allowed."

Among other matters presented to the Court in connection with such application of said Rankin for such compensation, were the affidavits of H. C. Fischer and George W. Coleman, attorneys at law, setting forth in such customary form the opinion of such attorneys as to the amount of a reasonable fee in the premises.

Respondent denies that the Honorable Alexander Akerman made any allowance of any fee to said Rankin for services of such attorney for the foreclosure of the trust deed involved in said litigation and denies respondent had any knowledge of any intention or purpose on the part of said Alexander Akerman to fix and determine, by his said order, the fee for said Rankin in full for the services of said Rankin for the foreclosure of the trust deed involved in said litigation at said time and date of such order, and so far in advance and prior to the determination and disposition of the litigation by final decree of foreclosure, and respondent denies he allowed to said Rankin an exorbitant fee in said case and denies that the fee awarded the solicitor for the complainants, A. L. Rankin, in the final decree of foreclosure terminating the litigation, had any relation to or connection with the compensation allowed unto said Rankin upon his application of May 1930, and asserts that the fee fixed and allowed in the said final decree of December 24, 1930, was reasonable and proper under the law, the facts, and the circumstances presented when the said decree was entered. The fee of $75,000 fixed and allowed in the final decree of December 24, 1930, was not by any of the parties to the cause at the time of the entry of said decree considered as a part or portion of the conservation fee, nor was such award of such fee in such final decree of December 24, 1930, made under or have any relation to the May 1930 application for conservation fee filed by said A. L. Rankin; that the fee of $75,000 fixed in the final decree of foreclosure as compensation of the attorney for the complainants in the foreclosure of said trust deed was lawful, proper, and reasonable for the services rendered in the premises, and upon showing made before the court at the time and in connection with the adequacy and propriety of said sum, was a just and proper allowance, the court having received and considered the affidavits of reputable, outstanding, and prominent members of the bar of the county in which the said property is located, namely, Bert Winters, H. C. Fischer, Harry A. Johnson, and E. B. Donnell, as to the reasonableness of such fee, and the parties to said cause, by and through their counsel of record, then and there present at the time and place of entry of said decree, having voiced their assent to the said sum and amount to be so allowed and fixed in said decree and having consented thereto, as did the said parties with respect to all other items and provisions of said decree, which said consent was prior to the entry of said decree manifested by the signatures of counsel for the respective parties to said cause upon the face of the decree, said decree so entered being one fully perused, analyzed, and consented and agreed to by and between the parties to the cause and their counsel as an appropriate decree, amicably disposing of and terminating the litigation, and such decree, and each and every provision thereof, was, prior to the entry thereof, submitted to and approved by the bondholders' committee, representing more than 90 percent of all of the bonds secured by the said deed of trust therein foreclosed, and such litigation was terminated and concluded under and in accordance with the terms and provisions of said final decree and no appeal therefrom was taken by any party to the cause.

While the fee of $75,000 was in said final decree allowed to the said A. L. Rankin alone, as plaintiffs' attorney in said cause, it was in fact the only and total fee allowed for the foreclosure of

the deed of trust securing $2,500,000 of first-mortgage bonds upon the property sold in said cause at an upset price of $1,500,000, and such award did cover and embrace all services for the foreclosure of such deed of trust rendered by all counsel in the cause asserting the rights of their respective clients to foreclose the particular deed of trust involved in said cause, and such allowance of $75,000 was distributed among said attorneys pursuant to an agreement (to which respondent was not a party) reached by such attorneys at the time of and in connection with their amicable adjustment of their differences upon the questions involved in said litigation and the conclusion and disposition of said litigation by such attorneys under the consent final decree submitted to and entered by the court under the circumstances hereinabove set out; the respondent was not a party to and had no connection, directly or indirectly, with the agreement and understanding between the litigants and their respective counsel with respect to the entry of said consent final decree of December 24, 1930, nor with respect to the distribution among such counsel of the fee fixed in said final decree of foreclosure as compensation of the attorney for the foreclosing plaintiffs.

Respondent denies that he profited directly out of the allowance for the attorney fees provided in said final decree, and denies that payments of money by said Rankin to respondent were corruptly made and corruptly received, and denies such payments were in any sense a gratuity, or division of the fees allowed in said final decree, or intended, or received as such; and further answering the charges of article II, with reference to the said payments, respondent says:

That at the time of the dissolution of the copartnership existing between respondent and said A. L. Rankin, prior to the appointment of respondent as judge, the copartnership was vested with certain tangible assets, a clientele, and numerous undisposed of, unsettled, unfinished, and incomplete cases in litigation in the State courts. No written partnership agreement existed between the parties, although said copartners were equally interested in the copartnership business and assets and at the time of the dissolution no formal or written dissolution agreement existed. At the time of the dissolution, it was agreed between the copartners that respondent should be entitled to receive, as and when collected, his rightful portion of fees due, or soon to become due for work and services theretofore done and performed, and which such fees at the time had been earned. It was further agreed between the copartners at the time of the dissolution, that the respondent would be paid by Rankin, an additional sum of $5,000 for the respondent's interest in the copartnership assets, business, and clientele, at such time in the future and when Rankin might be able to pay such sum to the respondent.

Pursuant to the agreement and understanding had and entered into between said responent and Rankin at the time of the dissolution of the copartnership, as aforesaid, Rankin did pay to the respondent on December 24, 1930, in cash the sum of $2,500, and on April 14, 1931, pursuant to said understanding and agreement of dissolution, Rankin did pay to respondent in cash the further sum of $2,000, on account of such lawful and just debt and obligation due and owing to the respondent from Rankin, and respondent properly, honestly, and in good faith accepted such payments in reduction of the then existing honest and lawful debt of the said Rankin to respondent.

Said Rankin did thereafter on September 23, 1931, pay to the respondent on account of such indebtedness, the further sum of $200, and on January 28, 1932, Rankin did pay to respondent the further sum of $300, being the final payment of the balance due to respondent from Rankin for and on account of the indebtedness of $5,000, arising from the dissolution of the copartnership and under said dissolution understanding and agreement hereinabove set forth.

Upon receipt by respondent of such final payment of $300 on January 28, 1932, the respondent did deliver to Rankin a receipt for such final payment, which receipt given at the time and place of receipt of final payment is in the words and figures following:

JANUARY 28, 1932.

Received of A. L. Rankin three hundred and no/100 dollars ($300) in full for balance on sale of business.

HALSTED L. RITTER.

On December 23, 1930, the City National Bank of Miami suspended business and closed its doors, it being the second large financial institution to suspend business in the city of Miami during the last 6 months of 1930, and because of the precarious condition and situation of the remaining financial institution in the city at the time, respondent deferred depositing the payment received from Rankin on December 24, 1930, until the latter part of the Christmas holidays, to wit, December 29, 1930, on which date respondent deposited to respondent's credit in respondent's bank account at the First National Bank of Miami, Fla., $2,000 of the said December 24, 1930, payment received from said Rankin, and respondent retained in respondent's possession $500 of said sum, maintaining readily accessible such amount of currency, as had numerous other citizens of the community, until the public confidence was restored in the banking situation in the city of Miami. Respondent also deposited in respondent's bank account at the First National Bank in Miami, Fla., on April 15, 1931, the additional $2,000 received by respondent from Rankin on April 14, 1931, hereinabove more particularly referred to.

And respondent denies that any of the acts or conduct of the respondent in the premises were corrupt or unlawful, and denies that he corruptly or unlawfully accepted or received any sums of money from said A. L. Rankin, as charged in article II, and avers that his acts and conduct in the premises was proper, honest, and lawful, and the $5,000 received as hereinabove set forth was received by respondent lawfully, honestly, in good faith and under the circumstances and for the purposes hereinabove set forth, in satisfaction and payment of a lawful and honest debt and obligation due and owing to respondent from said A. L. Rankin.

Respondent denies that he had any knowledge of or consented to the payment by A. L. Rankin of any sum or sums of money to Walter S. Richardson or to Ernest Metcalf out of and from the compensation received by Rankin as counsel in the case; and respondent denies that he had any knowledge as to the amounts to be distributed by said attorneys among themselves pursuant to an understanding or agreement reached between the parties immediately prior to or about the time of the entry of the final decree in December 1930 other than such knowledge as was gained by respondent by virtue of the statement made by one of said counsel to the court at the time of the entry of the final decree and such knowledge as was conveyed by the stipulation relating to an amicable division of the allowed fee in said cause.

Respondent admits that the allowance of compensation to Walter S. Richardson, as receiver, was made by respondent by order dated April 7, 1931, and says that the allowance so made was upon proper showing, and was fair, just, reasonable, and commensurate with the services rendered by such receiver, and such allowance was not exorbitant or unreasonable.

Respondent denies that the compensation allowed to A. L. Rankin by respondent upon the applications therefor, and in decrees rendered by respondent were excessive or unwarranted, and denies respondent personally profited thereby in any sum or sums, and says that such compensation as was allowed by respondent to Rankin was warranted, proper, and earned, and was commensurate with the services rendered and in keeping with the law and practice in such cases, and was justified by the showing made at the time of such allowances and in the light of the law and facts presented to the Court and comparable to allowances of other courts, State and Federal, in the southern district of Florida, in like cases.

Respondent admits respondent and his wife were guests at the Whitehall Hotel on Washington's birthday, February 22, 1931, and again for a portion of the days of March 3 and 4, 1931, at the invitation of the mangement of the hotel, then in receivership in respondent's court, and says that the accommodations extended were what is commonly known as complimentary accommodations and no charges were presented to respondent therefor. During the stay of the respondent at such hotel under the circumstances above set forth, respondent and his wife dined at said hotel, and respondent used the telephone and purchased one or two newspapers, and when the subcommittee of the House of Representatives took testimony at Miami, Fla., about 2½ years ago, respondent learned for the first time, on the occasion of his two visits to the property, the total charges for restaurant service, use of telephone, valet service, and for newspapers, aggregated $44.50, and that, although respondent was not presented with any bill or notified of his indebtedness to said hotel, the total of said items was absorbed by the management as complimentary or manager's guest items.

Respondent further answering says that he accepted the invitation of the management of said property and became the guest of the management on such occasions (two in number), not only because of the gala social functions and entertainment on such occasions offered to respondent as well as other specially invited guests of the management in accordance with the custom and practice of the past in the operation of said hotel over a period of many years, but for the further reason that respondent desired to familiarize himself in some measure with the property constituting the subject matter of the receivership and its manner of operation.

And respondent says he had no way of knowing that his host did not pay such items for the respondent, his guest, or that the meals and other service to respondent resulted in a loss or deteriment to the property or the receivership.

Respondent denies that he had any knowledge of or consented to the extension of complimentary accommodations and service at said hotel to Lloyd C. Hooks and Mrs. Lloyd C. Hooks on any occasion. Respondent was not responsible for, and never requested, in any manner or on any occasion, the extension of complimentary accommodations and service at said hotel to Thurston Ritter, respondent's son, or to Mrs. Merle R. Walker, respondent's daughter, on any occasion and that, on the two or three occasions upon which a member of the family of respondent stayed for a day or two at said hotel, their visits were due entirely and solely to the invitation and request and upon the responsibility of either the receiver or his managers of said property and not at any suggestion or request of respondent.

Respondent denies he in any respect, manner, or form willfully failed or neglected to perform his duty to conserve the assets of the Whitehall Building & Operating Co. in receivership in his court, and denies he permitted in any respect, manner, or form any waste or dissipation of the assets of such company or of such receivership to the loss, damage, or injury of the creditors of said company or any other person, and denies that he was in any respect, manner, or form a party to waste or dissipation of such assets, or any part thereof, or in any manner profited by any alleged waste or dissipation in the premises, and denies that there was at any time any waste or dissipation of assets of such receivership during the pendency of the case in question before the respondent.

And except as hereinabove specifically admitted or explained, respondent denies each and every allegation in said article II contained.

ANSWER TO AMENDED ARTICLE III

For answer to the amended third article, the respondent says this honorable Court ought not to have or take further cognizance of the amended third article of said articles of impeachment so exhibited and presented against him because he says the facts set forth in said amended third article do not constitute an impeachable high crime and misdemeanor, as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said amended third article.

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to said amended third article, said respondent saving to himself all advantages of exception to said amended third article, for answer thereto says:

1. Respondent admits that he is now and was at all times mentioned in said article one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and by arrangement among said judges is domiciled in and exercising jurisdiction throughout the Miami division of such district.

2. And further answering said article, respondent says:

Respondent is not guilty of any violation of section 258 of the Judicial Code (28 U. S. C. A. 373), and has not, since his appointment as judge, exercised the profession or employment of counsel or attorney nor has he engaged in the practice of the law.

And further answering amended article III, respondent says:

At the inception of the employment of the firm of Ritter & Rankin as counsel for the plaintiff for the purpose of instituting and prosecuting in the State Circuit Court of the Fifteenth Judicial Circuit of Florida, the case of the *Trust Co. of Georgia et al.* v. *Brazilian Court Building Corporation et al.* (no. 5704, Chancery), it was contemplated by the firm of Ritter & Rankin and by the client in said matter that an attorney's fees of $4,000 would be adequate compensation for counsel, and it was not contemplated at that time that the litigation would be intricate, complicated, and of extended nature, and so it was that the parties under such circumstances agreed at the outset of such employment that $4,000 would be sufficient fee for the services to be thereafter rendered in such case, which said employment was on or about September 26, 1927.

On December 28, 1928, the master filed his report to the court, embracing the testimony taken in the case, and on January 2, 1929, such master filed the original of his notice to the respective parties to the cause, advising such parties of the filing of such master's report of proofs taken before said master and the findings of the master. The case was set down for final hearing, and final decree was entered therein on June 9, 1929, in which said decree the court did fix and allow the sum of $8,000 as attorney fees for the attorneys for the complainants.

The litigation, instituted in September 1927, had been protracted and much extra and unanticipated work had been performed in the case in question up to February 1929, and all prior to the appointment of respondent as judge and prior to the dissolution of the partnership of Ritter & Rankin, at which time of dissolution respondent also severed his connection with such litigation, and after which respondent performed no legal service as attorney or counsel in the case. Respondent did request the former client to compensate respondent for the extra and unanticipated work done and performed by him in such protracted litigation prior to respondent's appointment to the bench and the dissolution of partnership, which compensation so requested was compensation to which respondent was rightfully entitled for work done and performed and fees earned prior to his appointment as judge, and was not in any sense, for participation or counsel in the litigation in any professional or other capacity subsequent to his appointment as judge, or in any manner in violation of the Federal statutes.

Having had active charge of the litigation in question in the State court, prior to his appointment as judge, after his appointment as judge respondent naturally expected the necessity to arise for discussions with his former client and succeeding counsel of proceedings which had taken place under the previous direction of the respondent before his appointment as judge, for the purpose of familiarizing such parties with such previous phases of the litigation and any questions therein involved, so that counsel succeeding the respondent in the litigation might be enabled to arrange for the subsequent proceedings that they might decide were necessary for the conclusion of the litigation upon the pleadings and the proofs theretofore handled by the respondent prior to his appointment as judge. Respondent had no desire or intention to render any professional service in such matter or for such clients, but intended only to convey to the former client and his then counsel such information as respondent possessed with respect to the progress of the litigation in the past, as might be desired to enable the then counsel to conduct such litigation in the future, and such was the duty of respondent and such was the only interest which respondent had and could have in such litigation.

Respondent, on March 11, 1929, by letter requested Charles A. Brodek, of the firm of Brodek, Raphael & Eisner, counsel for Mulford Realty Corporation, to compensate respondent for the extra, unanticipated work done and performed in this protracted litigation prior to the appointment of respondent as judge, and respondent did not request any compensation for any future service to be rendered, and did not agree to perform and did not intend to perform, and did not at any time or in any manner perform any professional service in the case after his appointment as judge.

On or about April 4, 1929, respondent received $2,000 from Charles A. Brodek as and for compensation for extra and unanticipated work in such litigation performed prior to appointment of respondent as judge, and such sum constituted and represented that part or portion of the additional fee in said case to which respondent was rightfully entitled for the extra and unanticipated work, and which sum had been justly earned by the respondent and which said sum constituted the figure and amount the respondent deemed just and reasonable and earned as his portion of the additional fee for such extra and unanticipated work in the case. The remainder of the compensation for such unanticipated and extra work being rightfully and justly due to A. L. Rankin, who thereafter collected the same when the total fee for services rendered in said case by counsel for the plaintiffs was fixed and determined in the final decree in said case, which final decree fixed said fee at $8,000.

Respondent denies that he concealed from A. L. Rankin the fact that respondent received the respondent's portion of the earned and deserved compensation aforesaid collected from Mulford Realty Corporation, and says that A. L. Rankin had knowledge of such facts and of such collection.

Respondent admits the Mulford Realty Corporation did have an interest in, and may now have an interest in, Florida real estate lying within the territorial jurisdiction of the United States District Court for the Southern District of Florida, but respondent says that the Mulford Realty Corporation has never, to the knowledge of respondent, had any litigation in the United States District Court for the Southern District of Florida, and has never contemplated the institution of any litigation in such court, and has never been interested in any matters or cases before the respondent or the court over which respondent presides; and had Mulford Realty Co. become a party to any litigation in such court after the appointment of respondent as judge of said court, the respondent would not hear and determine such litigation because of his disqualification by reason of his former professional relationship with Mulford Realty Corporation prior to his appointment as judge of said court.

And, further answering, the respondent says that in the Brazilian court case in the State court of Palm Beach County, the defendant in July 1929 did prosecute an appeal to the Supreme Court of Florida from the final decree entered in said cause; that said cause on appeal was resisted by A. L. Rankin and briefed and argued by A. L. Rankin in the Supreme Court of the State of Florida. Said A. L. Rankin was successful in said matter before the Supreme Court of the State of Florida, and the circuit court orders and decrees were affirmed by such appellate court.

Respondent performed no service of any kind or character in connection with such appeal or such litigation after respondent's appointment as judge, and all services rendered by counsel to the plaintiff in said cause was rendered by A. L. Rankin after respondent's appointment as judge, and for which said service the said Rankin was duly paid by his said client. Respondent did not request or receive any of the compensation paid to said Rankin for his services in said cause, nor did respondent receive from any source any part of the compensation for the services rendered by said Rankin after respondent was appointed judge.

And, except as hereinabove specifically admitted or explained, respondent denies each any every allegation in said amended article III contained.

And this respondent, in submitting to this honorable Court this, his answer to article II and amended article III of the articles of impeachment exhibited against him, respectfully insists that he is not guilty of the charges contained in the said two articles of impeachment.

ANSWER TO ARTICLE IV

For answer to the fourth article, the respondent says this honorable Court ought not to have or take further cognizance of the fourth of said articles of impeachment so exhibited and presented against him, because he says the facts set forth in said fourth article do not constitute an impeachable high crime and misdemeanor, as defined in the Constitution of the United States, and that therefore the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said fourth article.

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to said fourth article, said respondent saving to himself all advantages of exception to said fourth article, for answer thereto says:

I. Respondent admits that he is now and was at all times mentioned in said article, one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and by arrangement among said judges, is domiciled in and exercising jurisdiction throughout the Miami division of said district.

II. And further answering said article, respondent says:

Respondent is not guilty of any violation of section 258 of the Judicial Code (28 U. S. C. A. 373) and has not, since his appointment as judge, exercised the profession or employment of counsel or attorney nor has he engaged in the practice of the law.

And further answering article IV, respondent says:

Respondent denies that respondent received from J. R. Francis $7,500 for any professional or legal services or employment as counsel or attorney in any matter of any kind or character whatsoever subsequent to the respondent's appointment as judge, and respondent performed no service of any kind or character in connection

with any of the matters set forth in article IV, subsequent to respondent's appointment as judge and at no time after respondent's appointment as judge, accepted or received any compensation from said J. R. Francis for any acts, legal, professional, or otherwise, in behalf of said J. R. Francis to be done or performed subsequent to the appointment of respondent as judge.

And except as hereinabove specifically admitted or explained, respondent denies each and every allegation in said article IV contained.

And this respondent in submitting to this honorable Court this his answer to article IV of the articles of impeachment exhibited against him, respectfully insists that he is not guilty of any of the charges contained in the said article of impeachment.

ANSWER TO ARTICLE V

For answer to the fifth article, the respondent says this honorable Court ought not to have or take further cognizance of the fifth of said articles of impeachment so exhibited and presented against him, because he says the facts set forth in said fifth article do not constitute an impeachable high crime and misdemeanor, as defined in the Constitution of the United States, and that, therefore, the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said fifth article.

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to said fifth article, said respondent saving to himself all advantages of exception to said fifth article, for answer thereto says:

I. Respondent admits that he is now and was at all times mentioned in said article, one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and by arrangement among said judges, is domiciled in and exercising jurisdiction throughout the Miami division of said district.

II. And further answering said article, respondent says:

Respondent denies that while such judge he was guilty of violation of section 146B of the Revenue Act of 1928 and denies that he willfully attempted in any manner to evade or defeat the payment of any income tax levied against the respondent in and by said act, and respondent denies that respondent received gross taxable income during the year 1929 over and above his salary as judge to the amount of some $12,000 and asserts respondent had no tax liability whatsoever under said act for the year 1929.

And except as hereinabove specifically admitted or explained, respondent denies each and every allegation in said article V contained.

And this respondent in submitting to this honorable Court, this his answer to article V of the articles of impeachment exhibited against him, respectfully insists that he is not guilty of any of the charges contained in the said article of impeachment.

ANSWER TO ARTICLE VI

For answer to the sixth article the respondent says this honorable Court ought not to have or take further cognizance of the sixth of said articles of impeachment so exhibited and presented against him, because he says the facts set forth in said sixth article do not constitute an impeachable high crime and misdemeanor as defined in the Constitution of the United States, and that, therefore, the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said sixth article.

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to said sixth article, said respondent saving to himself all advantages of exception to said sixth article, for answer thereto says:

I. Respondent admits that he is now and was at all times mentioned in said article one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and, by arrangement among said judges, is domiciled in and exercising jurisdiction throughout the Miami division of said district.

II. And further answering said article, respondent says:

Respondent denies that while such judge he was guilty of violation of section 146B of the Revenue Act of 1928 and denies that he willfully attempted in any manner to evade or defeat the payment of any income tax levied against respondent in and by said act, and respondent admits that respondent received during the year 1930 a gross income over and above his salary as judge to the amount of $5,300, but denies that said $5,300 was taxable net income, and respondent says that the item of $2,500 mentioned in said article as received from A. L. Rankin on December 24, 1930, and included in said $5,300, was reported by respondent in respondent's income-tax return for 1931, and asserts that the respondent claimed and was allowed deductions authorized, allowed, and permitted by law aggregating $6,358.59, and respondent asserts respondent had no tax liability whatsoever under said act for the year 1930.

And except as hereinabove specifically admitted or explained, respondent denies each and every allegation in said article VI contained.

And this respondent in submitting to this honorable Court this his answer to article VI of the articles of impeachment exhibited against him respectfully insists that he is not guilty of any of the charges contained in the said article of impeachment.

Dated April 3, 1936.

ANSWER TO ARTICLE VII, AS AMENDED

For answer to the amended seventh article, the respondent says this honorable Court ought not to have or take further cognizance of the seventh of said articles of impeachment so exhibited and presented against him, because he says the facts set forth in said seventh article, as amended, do not constitute an impeachable high crime and misdemeanor as defined in the Constitution of the United States and that, therefore, the Senate, sitting as a Court of Impeachment, should not further entertain the charge contained in said article VII, as amended.

And now, not waiving the foregoing plea to the jurisdiction of the honorable Senate of the United States, sitting as a Court of Impeachment, as to the said seventh article, as amended, said respondent, saving to himself all advantages of exception to said seventh article, as amended, for answer thereto says:

I. Respondent admits that he is now and was at all times mentioned in said article as amended, one of the three duly appointed, qualified, and acting judges of the United States District Court for the Southern District of Florida, and by arrangement among said judges, is domiciled in and exercising jurisdiction throughout the Miami division of such district.

II. And further answering said article, as amended, respondent says:

Respondent denies his actions and conduct as an individual and as a judge have brought his court into scandal and disrepute and denies that any of his acts or conduct have destroyed public confidence in the administration of justice in said court or destroyed public respect for or confidence in the Federal judiciary.

And for answer to paragraph 3 of said article VII, as amended, respondent says:

Respondent denies he received $4,500 from his former law partner corruptly as alleged in article I and respondent here adopts, by reference, his answer to article I as the answer to such charge contained in paragraph 3 of article VII, as amended, such charge being the same and identical charge presented and made the subject matter of articles I and II.

And further answering, respondent denies that he received large fees or gratuities from J. R. Francis and denies that there was anything wrong or corrupt in any of his relations or transactions with J. R. Francis, and says that said J. R. Francis at no time had any litigation pending in the United States District Court for the Southern District of Florida, to the knowledge of respondent, the said J. R. Francis never at any time had any interest in any property, real or personal, involved in any litigation in the United States District Court for the Southern District of Florida.

And for answer to that part of paragraph 3 of article VII, as amended, relating to the payment of $2,000 to the respondent by Charles A. Brodek, of the firm of Brodek, Raphael & Eisner, representing Mulford Realty Corporation, the respondent, by reference, adopts the answer of respondent to article III as the respondent's answer to such charge here again presented in paragraph 3 of article VII, as amended, such charge being the same and identical charge presented and made the subject matter of article III.

And for answer to paragraph 4 of article VII, as amended, wherein articles I, II, III, IV, V, and VI are by reference incorporated as part of article VII, as amended, this respondent says, respondent, by reference, adopts as his answer to said paragraph 4 of article VII, as amended, the answer of respondent to the said articles I, II, III, IV, V, and VI.

And except as hereinabove specifically admitted or explained, respondent denies each and every allegation in said article VII, as amended, contained.

And this respondent in submitting to this honorable Court this, his answer to article VII, as amended, of the articles of impeachment exhibited against him, respectfully insists that he is not guilty of any of the charges contained in the said article of impeachment.

Dated April 3, 1936.

HALSTED L. RITTER,
Respondent.
FRANK P. WALSH,
Of New York, N. Y.
CARL T. HOFFMAN,
Of Miami, Fla.,
Of Counsel for Respondent.

On motion of Mr. ASHURST, it was

Ordered, That the answer of the respondent, Halsted L. Ritter, to the articles of impeachment, as amended, exhibited against him by the House of Representatives be printed for the use of the Senate sitting in the trial of said impeachment.

On motion of Mr. ASHURST, it was

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of Halsted L. Ritter, United States district judge for the southern district of Florida, to the articles of impeachment, and also a copy of the order entered on the 12th ultimo prescribing supplemental rules for the said impeachment trial.

Mr. ASHURST. Mr. President, I respectfully inquire of the managers on the part of the House of Representatives if they have any suggestions to make. If not, I wish to make a motion.

The PRESIDING OFFICER (Mr. BACHMANN in the chair). Have the honorable managers of the House any suggestions?

Mr. Manager SUMNERS. Mr. President, I do not believe we have.

Mr. ASHURST. Then, Mr. President, I move that the Senate, sitting as a Court of Impeachment, adjourn until 12 o'clock meridian on Monday, April 6.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and (at 2 o'clock and 35 minutes p. m.) the Senate, sitting as a Court of Impeachment, adjourned until Monday, April 6, 1936, at 12 o'clock meridian.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. BACHMAN in the chair). The Senate is now in legislative session.

DEPORTATION OF ALIEN CRIMINALS

The Senate resumed the consideration of the bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, reported by the committee.

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	King	Radcliffe
Ashurst	Connally	La Follette	Reynolds
Austin	Coolidge	Lewis	Robinson
Bachman	Copeland	Logan	Schwellenbach
Bailey	Couzens	Lonergan	Sheppard
Barbour	Davis	Long	Shipstead
Barkley	Donahey	McGill	Smith
Benson	Duffy	McKellar	Steiwer
Bilbo	Fletcher	McNary	Thomas, Okla.
Black	Frazier	Maloney	Thomas, Utah
Bone	Gibson	Minton	Townsend
Borah	Glass	Moore	Truman
Brown	Guffey	Murphy	Tydings
Bulkley	Hale	Murray	Vandenberg
Bulow	Harrison	Neely	Van Nuys
Byrd	Hastings	Norris	Wagner
Byrnes	Hatch	Nye	Walsh
Capper	Hayden	O'Mahoney	Wheeler
Caraway	Holt	Overton	
Carey	Johnson	Pittman	
Chavez	Keyes	Pope	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. COOLIDGE. Mr. President, I think that at the time I addressed the Senate earlier in the day, before it began its session as a Court of Impeachment, I had come to the point where I was discussing the attendance at the hearings, and the testimony given by the witnesses who appeared. As I then stated, the committee was very liberal with the witnesses, although they were interested in many questions pertaining to immigration and naturalization, and discussed many subjects foreign to the bill before the Senate. The witnesses came from Buffalo, N. Y., from New York City, from New Jersey, from Philadelphia, from Chicago, from Boston, and other places, and many of the organizations whose witnesses appeared before the committee have their principal offices here in Washington.

I might say again to the Senator from Nebraska [Mr. NORRIS] that when I sent the telegrams to these various organizations, no discrimination whatever was shown in favor of those for the pending bill, and against those who opposed it, as the copies of the communications I have in my office will indicate. No discrimination has been shown in regard to any of the matters heard relating to the bill.

We held hearings on February 24 and 29 and on March 3 and 11, and the committee sat late in the afternoon, on some days as late as half past 6 o'clock. Immediately after the hearings were concluded the committee went into executive session and proceeded to prepare the amended bill, and practically all those who attended the executive meetings had heard the testimony. We prepared the amended bill, which we thought was pretty nearly airtight. We thought, in fact, that it would be desirable to bring into the Senate, if possible, a bill to which no one could object. I do not know whether or not such a thing has ever heretofore been done in the case of an important measure.

There was but one objection. At the last executive meeting, when the bill was prepared, one of the Senators present objected because he had an amendment which he proposed to offer. I shall not enter upon a discussion of that amendment, but it will be debated, no doubt, by the Senator who offered it.

I do not know whether the Senator from Nebraska understood from what I said in the earlier part of my remarks that the pending bill is not an immigration bill, but that it has to do with the separation of families, with the deportation of alien criminals whom we do not desire to have in our country, and whose presence is a constant source of expense and trouble. When they commit crimes and are brought before the courts and convicted, if they cannot be deported they have to be supported in the jails. They are of no use, but are a menace. To the Bureau of Investigation in Washington 10,000 fingerprints of such aliens have been sent by chiefs of police and agencies in different cities. There are enough of our own citizens who do not act as they should act, without having our country compelled to support criminal aliens.

In further explanation of the bill I desire to say that under the present law 1,700 alien criminals are deported annually, while 4,000 alien criminals, who are a danger and menace to the country, escape deportation every year.

Mr. KING. There are 20,000 in all who should be deported.

Mr. COOLIDGE. Yes. This means that under existing laws, for every criminal alien who is deported two are permitted to escape. The same laws which deal so lightly with the criminal alien bear with unbelievable harshness and severity upon the noncriminal alien. While any judge or magistrate can avert the deportation of criminal aliens not even the President of the United States can avert the deportation of an alien who is not a criminal.

Under the present law, aliens of good character are torn from their families, their wives and children, wives from their husbands, and at times children from their parents. It is not unusual for these families to be dispersed to several countries beyond any possibility of reunion. In many, if not in most, of the cases of aliens of good character, their families are left behind in the United States to become public charges.

These are the two problems with which the bill under consideration attempts to deal. It provides the means for deporting three times as many alien criminals as are deported today. It likewise provides a means for the exercise of humane discretion in the case of noncriminal aliens who have their families in this country and whose deportation would result in serious hardship and suffering to the innocent and in imposing on the Government of the United States the cost of their maintenance.

The bill does not deal with immigration policy; it confines itself to the correction of the defects in the law which impede proper administration. Its passage will solve the two most serious problems with which we are confronted in the administration of the immigration laws: The deportation of the undeserving and criminal aliens, and the introduction into our deportation statutes, insofar as they affect aliens of good character, of the American principles of justice, humanity, and the protection of the home and family unit.

I read the following letter from the Secretary of State:

DEPARTMENT OF STATE,
Washington, March 24, 1936.

The Honorable MARCUS A. COOLIDGE,
United States Senate.

DEAR SENATOR COOLIDGE: I refer to the recent hearings before the Senate Committee on Immigration on S. 2969, a bill having as its object "to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes."

This bill is one which, from the administrative standpoint, is of principal concern to the Department of Labor since it deals mainly with matters of deportation. The bill provides, however, in sections

1, 2, and 3, for an interdepartmental committee for its administration, to be comprised of representatives of the Departments of State, Justice, and Labor.

In view of the participation of the Department of State in the bill's administration as thus provided, I have given both thought and study to the bill, and I wish to advise you that the Department of State agrees with the chief objectives which the bill seeks and the policy back of the same.

Sincerely yours,

CORDELL HULL.

Mr. President, it is my belief that the pending bill, drawn, as it is, by the very fine committee of attorneys and laymen who have studied the subject so long and so seriously, is as nearly correct a bill on the subject as could be drawn. I hope the Senate will agree with me in that respect.

Mr. REYNOLDS obtained the floor.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER (Mr. MURPHY in the chair). Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. REYNOLDS. I yield.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	King	Radcliffe
Ashurst	Connally	La Follette	Reynolds
Austin	Coolidge	Lewis	Robinson
Bachman	Copeland	Logan	Schwellenbach
Bailey	Couzens	Lonergan	Sheppard
Barbour	Davis	Long	Shipstead
Barkley	Donahey	McGill	Smith
Benson	Duffy	McKellar	Steiwer
Bilbo	Fletcher	McNary	Thomas, Okla.
Black	Frazier	Maloney	Thomas, Utah
Bone	Gibson	Minton	Townsend
Borah	Glass	Moore	Truman
Brown	Guffey	Murphy	Tydings
Bulkley	Hale	Murray	Vandenberg
Bulow	Harrison	Neely	Van Nuys
Byrd	Hastings	Norris	Wagner
Byrnes	Hatch	Nye	Walsh
Capper	Hayden	O'Mahoney	Wheeler
Caraway	Holt	Overton	
Carey	Johnson	Pittman	
Chavez	Keyes	Pope	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, will the Senator yield to me before he begins his speech, so that I may ask a few questions in order to ascertain if I understand the issue before the Senate?

Mr. REYNOLDS. I yield.

Mr. WALSH. In the first place, the proposed bill does not deal at all with aliens who entered this country illegally before 1924?

Mr. REYNOLDS. I so understand.

Mr. WALSH. Aliens who entered the country illegally prior to 1924 are by previous laws now held to be here legally?

Mr. REYNOLDS. I so understand.

Mr. WALSH. This bill purports to deal only with the disposition of aliens of good character who illegally entered the country since 1924?

Mr. REYNOLDS. That is my understanding.

Mr. WALSH. The bill relates to the bestowal of discretionary power on some governmental agency to stay deportation in the case of certain aliens because of alleged hardships to others?

Mr. REYNOLDS. Yes.

Mr. COOLIDGE. Mr. President, I wish to make a correction in the measure submitted as an amendment in the nature of a substitute. As printed it reads:

Mr. KING submitted the following.

That language should not have appeared in the amended bill. Certain Senators have asked me if that is the committee bill. The amended bill is the committee bill. I did not happen to be present at the committee meeting last Saturday, so the Senator from Utah [Mr. KING] brought in the bill. However, it is the committee bill, in which the Senator from Utah concurs.

The PRESIDING OFFICER. The Chair is advised that the error complained of was made at the Government Printing Office.

Mr. KING. Exactly. The amendment in the nature of a substitute was offered in the committee in behalf of the chairman of the committee, who was absent from the city, and had been out of the city for some time. I was instructed by the committee to offer it and send it down to the Printing Office.

The PRESIDING OFFICER. So that the amendment in the nature of a substitute appearing on Senators' desks as offered by the Senator from Utah [Mr. KING] is really the committee bill?

Mr. KING. It was to be offered by the chairman of the committee for the committee, but the chairman being absent I offered it for him.

Mr. REYNOLDS. Mr. President, I wish to say at the outset to the Senators who are assembled here this afternoon that I am, indeed, exceedingly regretful that every Member of this body is not present, particularly during my opening remarks, in order that each of them might be advised, so far as I can do so in my simple way, as to the great importance of the subject matter embodied in this bill.

I likewise, Mr. President, wish to preface my remarks by the statement that, in my humble opinion, there is no subject before the American people today, nor has there been any subject before any Congress of the United States for several years past, nor will there be any subject brought to the attention of the Congress for many years in the future, that could be of any more vital and far-reaching importance than the measure which is now the subject of consideration. I make that statement unhesitatingly because I, like every other Member of this honorable body, whether he be on this side of the aisle or on the other side of the aisle, have in mind and have at heart and have in interest the great American people. That is our first interest, and this bill deals fundamentally with the interest of the American people. I hope before I shall have completed my argument I will have been able to prove beyond the shadow of a doubt to the Members of the Senate, and those whom my voice may reach by way of the printed words of the columns of the press and through the pages of the CONGRESSIONAL RECORD, that the position on this will which I assume now to take is the correct position, if we are to consider the American people before we consider the peoples of other nations of the world.

I wish further to make myself plain by the statement that a great many people have gained, erroneously, I dare say, the impression that the Kerr-Coolidge bill, which is now before the Senate for attention, consideration, debate, and vote, is a bill that will strengthen the immigration bars; that will close up the loopholes, and will raise the barriers against foreign immigration. That is an erroneous impression, because, as stated by my colleague from Massachusetts [Mr. COOLIDGE], who is beloved by me and by every other Member of this body, in presenting his bill for consideration, the bill has nothing whatsoever to do with immigration.

Therefore please let it be understood, by the members of the press particularly, that it has been stated by the author of the bill that the bill has nothing whatsoever to do with immigration. So, gentlemen of the Senate and gentlemen of the press, it is agreed by all, at the outset, that the bill now before the Senate has nothing to do with immigration. Therefore it is conceded in argument at the outset that it does nothing whatsoever to raise the bars against immigration, to strengthen the barriers against immigration or to close up any of the loopholes in the present immigration law.

Mr. COOLIDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. REYNOLDS. I gladly yield to the Senator from Massachusetts.

Mr. COOLIDGE. In the title of the bill occur the words, "and for other purposes." The other purposes of the bill has to do with the "abrogation of agricultural preference and charge to quotas of aliens permitted to remain or to change status." When the agricultural interests in the West needed men, immigrants for that purpose were allowed to come here

outside the quota. Now they are not needed, as I understand, for we have sufficient farmers now in the country, and we want to take care of our own people. With that exception, I think my statement is accurate, that the measure is not an immigration bill.

Mr. REYNOLDS. I think the Senator and I are in thorough accord, because he has just repeated that which I had previously said, which was to the effect that this bill has not a thing in the world to do with immigration.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. REYNOLDS. I gladly yield.

Mr. LOGAN. I merely desire to ask the Senator if there is such a bill pending as the Reynolds bill, one introduced by the Senator himself? I have had many communications earnestly urging me to vote against the Kerr-Coolidge bill, but to vote for the Reynolds bill. I am not familiar with the Reynolds bill, and I should like to know whether the Senator from North Carolina has introduced a bill on the subject.

Mr. REYNOLDS. I am very grateful to the Senator for directing to me that inquiry, and I will say, in answer thereto, that I have introduced a bill in the Senate and Hon. JOE STARNES, who is a Member of the House of Representatives from Alabama, introduced a corresponding, in fact, the identical, bill in the House, and it is known as the Reynolds-Starnes bill.

I may say further to the Senator, in answer to his inquiry, that I am, indeed, doubly happy that he favored me by making the inquiry, for the reason that I have a great many telegrams, some of which I expect to read, and innumerable letters from some 150 patriotic societies of America, all of whom oppose the Kerr-Coolidge bill and support the Reynolds-Starnes bill.

Therefore, after having concluded my preliminary remarks of a general nature in regard to immigration and having answered the Senator from Massachusetts [Mr. COOLIDGE], I shall then, with the indulgence of the Senate, undertake to dissect each section of the Kerr-Coolidge bill; and later I will make an explanation in reference to the Reynolds-Starnes bill. It is my intention to endeavor to substitute the Reynolds-Starnes bill in its entirety for the Kerr-Coolidge bill.

Mr. LOGAN. That is exactly the point I wanted to bring out.

Mr. REYNOLDS. I again want to thank the Senator for making the inquiry, because it has provided me with an opportunity to make explanation as to the situation we find at the present time.

I wish to make a further statement for the benefit of Members of this honorable body and for the benefit of the representatives of the press. It having been admitted that this bill has nothing in the world to do with immigration, a fact which I hope will be made plain by the press throughout the country, because many people have obtained the impression that this is an immigration bill and a deportation bill for the benefit of the country and that I am fighting the bill, I advantage myself by taking this opportunity to say that I am opposing this bill because it does not strengthen the immigration laws, because it makes two holes in the cheese where one is now, and because it takes down the barriers of immigration and destroys the foundations which have been builded since Washington, in his inaugural address more than 140 years ago, interested himself in this subject, which has been one of the main questions before Congress for many, many years. So I would have it understood as being my opinion that the bill before the Senate today for consideration breaks down and destroys the barriers of immigration which have heretofore been raised, makes two holes where one now exists, and encourages aliens to plant themselves upon the fertile soil of America in violation of the laws of this country.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. REYNOLDS. I gladly yield.

Mr. SCHWELLENBACH. May I ask the Senator whether or not the Reynolds bill is an immigration bill?

Mr. REYNOLDS. The Reynolds bill, I shall state to the Senator restricts immigration, whereas under the quotas at the present time, 153,000 immigrants are permitted annually to come into the United States, the Reynolds bill would strike that number down 90 percent, or limit the annual immigration to this country to 15,300.

Mr. SCHWELLENBACH. The Reynolds bill, then, is an immigration bill?

Mr. REYNOLDS. It is an immigration bill, a deportation bill, and a bill requiring compulsory registration and fingerprinting of every alien who is in this country today or who may hereafter be permitted to enter.

Mr. SCHWELLENBACH. If, as he says, the Kerr-Coolidge bill is not an immigration bill, and the Reynolds-Starnes bill is an immigration bill, may I ask the Senator, Why is it proper for us to substitute an immigration bill for the one now pending before the Senate when there is no relationship between the subject matters of the two measures?

Mr. REYNOLDS. It would be perfectly proper because, as the Senator from Massachusetts [Mr. COOLIDGE] a moment ago stated, in a sense it is an immigration bill because it has to do with the great masses in certain sections of the country. I shall hope to be able to convince my honorable colleague from Washington of the fact that this is one of the most important pieces of major legislation that has come before the present Congress, or Congresses in the past, or that will come before Congresses of the future. The bill which I have in mind and which was brought to the attention of this body by the inquiry directed to me by the Senator from Kentucky [Mr. LOGAN] is my bill, the Reynolds-Starnes bill, and will do that which the Kerr-Coolidge bill will not do.

Mr. LOGAN. Does the Reynolds bill do also what the Kerr-Coolidge bill does?

Mr. REYNOLDS. I shall have to answer that in a peculiar way. The Kerr-Coolidge bill has been misnamed. It is called a deportation bill, but in truth the facts in relation to that bill, as I shall without difficulty be able to establish, demonstrate that it is not a deportation bill but is an importation bill. It does not put the aliens out, but it brings them in.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. REYNOLDS. Gladly.

Mr. KING. Of course, I dislike to challenge the accuracy——

Mr. REYNOLDS. I do not mind being challenged at all. That is what I am here for, and if I cannot withstand the onslaught I ought not to be here.

Mr. KING. I do not like to challenge the accuracy of a statement made by the Senator from North Carolina. I am making no onslaught, but I affirm the statement made by the Senator from Massachusetts [Mr. COOLIDGE] that this is a deportation bill; that it is not an immigration bill. It does not repeal a single sentence in any act in regard to immigration. None of the loopholes to which the Senator has referred, if there be any, have been enlarged by the bill which is before us, but, on the contrary, the present situation is strengthened. The bill would deport at least 20,000 alien criminals. It would prevent a number from coming in who might come in under existing law. I think that will be clearly demonstrated by reading the bill and the report which has been submitted by the committee.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Before yielding to my distinguished colleague from the grand old Commonwealth of Kentucky, which I mentioned the other day as the result of an inquiry directed to me by him, I desire first to answer the inquiry of my distinguished colleague from the State of Utah [Mr. KING].

Mr. President, I believe I shall be able to prove by the terms of the bill itself that it is an importation bill rather

than a deportation bill. I believe that any high-school boy after reading section 3 of the Kerr-Coolidge bill, as a reasonable student would unquestionably and unhesitatingly say that the bill and that section in particular would bring aliens in instead of putting them out; that it is an importation bill rather than a deportation bill. Of course, as we all know, that is a question of opinion. There is a difference of opinion between my friend, the Senator from Utah and myself.

I am delighted to yield now to the Senator from Kentucky.

Mr. BARKLEY. I intended to direct my inquiry to the same subject to which the Senator from Utah directed his. I have been unable to find in the Coolidge bill where it deals with the question of aliens coming in. I understood it dealt with those already here.

Mr. REYNOLDS. That is it. I am glad the Senator has mentioned that point.

Mr. BARKLEY. That is not quite in consonance with the statement that the bill would let down the bars for those not already in the country. I understand it would deal with those who are here illegally.

Mr. REYNOLDS. The Senator does not understand how it would let them in instead of putting them out?

Mr. BARKLEY. I do not.

Mr. REYNOLDS. That is where the nigger is in the wood pile. [Laughter.]

Mr. BARKLEY. If they are already here and the bill deals with them, the question of how they got here and how others may get here does not seem to me to be pertinent. The question is whether they ought to have been deported when they came here illegally and remained here illegally, and undoubtedly have not been deported or they would not be here. I understand the bill provides for their deportation, and does not provide in any way an amendment of the immigration laws through which men or women or children may come here in the future but only deals with those who are already here.

Mr. REYNOLDS. It does to this extent: The bill would make lawful that which is unlawful.

Mr. BARKLEY. In other words, it might permit some of those who are here to remain.

Mr. REYNOLDS. Not that at all; but the bill seeks to make lawful by an enactment of the Congress that which for years has been illegal and unlawful. This bill would encourage those beyond our shores, across the wind-swept waters of the Pacific or the blue waters of the Atlantic, to come to America. It would encourage aliens from all over the world to violate the immigration laws of the United States.

Mr. BARKLEY. What section is there in the substitute bill that would encourage anybody who is not now in the United States to come here?

Mr. REYNOLDS. Section 3.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. REYNOLDS. Gladly.

Mr. SCHWELLENBACH. In view of the last statement of the Senator from North Carolina, I should like to have him consider and discuss, if not at this time, then at some later time, that provision on page 3 of the bill in the first part of section 3 which reads, "prior to the date of the enactment of this act." In view of the fact that section 3 refers only to those who had come in "prior to the date of the enactment of this act", how can the Senator say the bill would be an invitation to anyone to come here in the future?

Mr. REYNOLDS. I shall now answer that suggestion briefly, and later during the course of my argument I shall hope to avail myself of an opportunity to go more specifically into the answer I should like to give the eminent Senator from Washington.

If we legalize that which is now illegal, if we permit to stay in this country aliens who are here illegally, who have violated the law every day they have remained here illegally, then we will encourage immigrants from every part of the world to seek refuge, to seek opportunity, to seek work and labor within the confines of our land, because those now living in foreign countries can say, "What do we care about the laws of America? We can go there and slip in and kill anybody we want to or kidnap anybody we want to and get away with it. America has already said it is all right for anybody to steal into the country, to perjure himself into the country, or to enter the country in any other illegal manner, such as by the purchase of passports. If the Congress lets them do it, and makes that legal which has been illegal, we can go in and we will get another Congress to enact another such law."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. SCHWELLENBACH. The point the Senator makes is not in the bill itself, but in the fact that if we enact this bill into law then he is fearful we will enact some other law which would result in the situation which he has described.

Mr. REYNOLDS. The Senator misinterprets my statement. I meant to say that if this bill should be enacted into law it would make legal that which every man must now admit is illegal. If we enact this bill into law it will encourage those in other nations of the world, who want to come here and cannot now come here, to attempt to come here in view of that law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Gladly.

Mr. BARKLEY. Even if they come here in violation of the law in the future, they would not come under the provisions of this bill but would be subject to the rigors of the present law.

Mr. REYNOLDS. Quite true; but 3,000,000 aliens in the country today have been subject to our laws, and, instead of strengthening those laws, it is proposed to weaken them, despite the fact that we know there are millions of aliens in this country who have come here illegally. How? By jumping New York, San Francisco, New Orleans, Galveston. How? By slipping across the Canadian borders to the number of millions a year. How? By coming across the Rio Grande River from our sister Republic of Mexico—millions upon millions of them.

Mr. President, I cannot make it too plain to my colleagues of the Senate and to the world that I am opposing the Kerr-Coolidge bill, because, I assert, if enacted it will break down the immigration barriers, encourage violation of the law; make two holes in the cheese where there is now but one, and wreck all the laws which your forefathers and your predecessors for years and years, since Washington was President of our country up to the present time, have enacted and wanted obeyed. I am fighting the bill because I know that it is an enemy of America. I am fighting the bill because I stand for Americans in preference to foreigners; and the time has come when the Members of the United States Senate, as well as the people of the whole United States of America, must make it plain whether we and they are standing by the people of our own country or whether we are standing by the people of foreign nations.

There is just one issue to this question, as I shall prove: Are we for America for Americans, or are we for America for foreigners and for immigrants from every section of the world? It is a question that one may not side-step. It is a question as to which one must get on one side of the fence or on the other.

Mr. President, so far as I am concerned, I feel that I am taking the part of the American people; but I wish the Chair to know, and I wish those to know who are here this afternoon, who have honored me with their presence—which is to their benefit, for the reason that the American people desire to know where the lawmakers of this country stand, whether they stand for Americans or whether they stand for foreigners—I wish the Chair and the individual Members of this body to know that I am not the only person in the United States who is taking the position I take.

Let us see who are against the Kerr-Coolidge bill. I shall call the roll.

Those who are opposing vigorously and with all their might the passage of this bill, those who are opposing 100 percent the passage of the bill, are the following, and I beg you to lend me your ears:

The American Federation of Labor, which stands for the workingman of this country.

The American Legion, composed of honorable veterans of the World War, who were sent to foreign fields to save the world for Christianity and democracy.

The Veterans of Foreign Wars.

Let me repeat, every organization I have named and every organization I shall name is against the Kerr-Coolidge bill 100 percent, and they are fighting it with all their might.

To recapitulate:

The American Federation of Labor.

The American Legion.

The Veterans of Foreign Wars.

The Disabled Veterans of the World War.

The Daughters of the American Revolution.

The Sons of the American Revolution.

The Junior Order of United American Mechanics, with its 500,000 full-blooded Americans in 42 States of the Union.

The Patriotic Order of the Sons of America.

And 110 other patriotic American organizations, every one of which believes that America should be preserved for Americans; every one of which believes that the time has come when we must quit pussyfooting and let the world know that we stand for Americans and Americanism, and forget our sympathies for those who come from foreign lands.

Mr. President, not only are those honorable legions, associations, organizations, and societies 100 percent against the pending bill but millions upon millions of American citizens are against it; and, before I forget it, I desire to have those who are sponsoring this bill bring to the attention of the Senate the names of the societies that are favoring the bill. I desire to have those who are sponsoring this bill let the Members of the Senate know the names of the societies and the organizations that are advocating the passage of the bill. When the names of the societies and the organizations supporting the bill are brought to the attention of the Senate, it shall be my privilege and my pleasure to reveal what I know about the societies that are back of the bill.

I said that millions of Americans are against the bill—millions upon millions—and in that connection I wish to read just a simple little post card which was sent to me by some man of whom I never heard, one of hundreds upon hundreds of post cards and letters and telegrams I have received from all over the United States. This simple little post card will reveal to the Members of this body the sentiment that is deeply rooted in the hearts of Americans.

DEAR SENATOR:—

I can see him now; I can picture him in my mind—an honest, God-fearing, ordinary American, sitting down before the typewriter with his sleeves rolled up and his collar unbuttoned, somewhat as mine is at the present time, digging away, and a sentiment in every word that he types. This post card comes from Topeka, Kans. I know Kansas is a good State, because I know its Senators.

DEAR SENATOR: Reynolds-Starnes immigration restriction and alien deportation-registration bill urgently needed and I trust will become law at once. Unfair to American citizens—

Listen! He is right. He is using good old common horse sense.

Unfair to American citizens and taxpayers. Social Security Act makes no distinction between American citizens and aliens. Aliens holding jobs in our country should be taxed 25 percent of funds they send to their homelands.

I hope the writer of this post card will vote for my good friend the junior Senator from Kansas [Mr. MCGILL] when he comes up for reelection. The writer's name is C. O. Sage, General Delivery, Topeka, Kans.

Unfair that Americans be taxed to keep aliens on relief rolls—

That is true. This fellow has good common sense—good old horse sense.

Unfair that Americans be taxed to keep aliens—

One million five hundred thousand aliens—

on relief rolls; when they had jobs they sent money out of the country.

I recently read in the Saturday Evening Post a series of extremely interesting articles written by Mr. Raymond Carroll, a former newspaper correspondent of our Capital City, to the effect that since the depression the aliens on the relief in this country and aliens holding American jobs had sent to their respective fatherlands, by way of international money orders, more than $250,000,000—your dollars, the dollars of the American people, sent to their respective countries across the vast waste of water.

Let us see what the man in Kansas further says. He is a man of good sense. When I visit Kansas next year I want to meet him. He says further:

When they had jobs they sent money out of the country; now they should not be carried on relief rolls, but they should be deported for charity of their home government.

Gentlemen of the Senate, I would venture anything in the world that that man does not know what is done with such people in France, or in England; I venture he does not know the consideration given to them in Italy, in Norway, in Sweden, in Denmark, or in any other country of continental Europe, or in any other country in the world, for that matter He says:

Now, they should not be carried on relief rolls, but they should be deported for charity of their home government.

All the education in the world does not make a man smart. Some of the smartest men I have ever known in my life came from down in good old Tennessee, the State so well represented by its senior Senator [Mr. MCKELLAR], who sits before me. Tennessee is a fine State. It used to be a part of North Carolina. [Laughter.]

Be sure and enact into law your important bill.

I know now that this man has sense. [Laughter.]

Fingerprint all aliens in United States annually, tax them 25 percent of money they send home to keep their own home folks. Buy American, employ American, travel American, think American!

Faithfully,

C. O. SAGE.

Mr. President, I cherish that finale. I am going to be as faithful to C. O. Sage as he is to the American people.

Mr. President, for the past 2 or 3 days I have been sitting in the Senate thinking perhaps the pending bill would be brought up every moment, and I desired to be here when it was called up because I wanted the opportunity of explaining it to the Members of the Senate, whose friendship I cherish. I assure my colleagues, all the Members of this body, that they have my admiration, whether they are Democrats or Republicans or Farmer-Laborites. I will say, without attempting to flatter my colleagues, that never in my life have I found a finer body of men, and I say that wherever I have an opportunity to say it, because I mean it. I wanted to have the opportunity to help my friends in the Senate. I wanted the opportunity to help them because I know they want to help themselves, because I realize that self-preservation is the first law of nature, I felt that I could do them a favor, and I want also to do a favor to those Senators who are not here this afternoon, I want them to read the RECORD tomorrow morning to find out what all this controversy is about, because the eyes of the American people today are fixed upon the Senate of the United States. Is it because I am speaking? Oh, no; it is because a bill is before the Senate to which the American people are opposed, and the American people are speaking to us through their representatives, the American Federation of Labor, the American Legion, the Veterans of Foreign Wars, the Disabled Veterans of the World War, the Daughters of the American Revolution, the Sons of the American Revolution, the Junior Order of United American Mechanics, the Patriotic Order of Sons of Liberty—

Mr. MINTON rose.

Mr. REYNOLDS. And 110 other patriotic organizations of a number of which I am confident my distinguished and beloved friend from Indiana is a member.

Mr. MINTON. I was just wondering whether the Senator had heard from the Veterans of Future Wars. [Laughter.]

Mr. REYNOLDS. No; I did not have them in mind.

Mr. President, for the past 2 or 3 days, as I have stated, I have been here thinking that perhaps this bill would come before the Senate, and I wanted to be here, whether all of my colleagues were present or not. I wanted to have an opportunity to do something for my colleagues, because I knew that sometime they would have a chance to help me. I always like to help a fellow if it does not cost me anything. [Laughter.] Therefore I am very happy indeed to have found the opportunity to express my sentiments upon the pending bill, in the hope that Senators may interest themselves in reading the bill, and above all, in reading between the lines.

While I was sitting here for these several days I listened to many speeches, and the subject I am discussing has had relation to virtually every speech I have heard upon the floor of the Senate for the past 3 days. As I have been studying the data collected I have been listening, from time to time, to the voices of Senators, and the speeches that have been made finally would work around to the subject now before the Senate.

I heard the Senator from Nebraska [Mr. NORRIS] describe very vividly to the Members of this body the great injury caused to all sections of our country by erosion of the soil. Later I will prove to the Senate how that has much to do with this question.

This morning I heard the Senator from New York [Mr. WAGNER] discussing the homeless in this country. He was referring to a bill which interests itself in the construction of homes in connection with Federal housing, and he said that today there are in the United States 12,000,000 people whose incomes are less than $1,500 a year. He failed to say that today there are millions upon millions in our country who have no incomes at all, a tremendous number of unemployed, and he failed to make mention of the great number on relief, all of which interests itself with this great question. I believe he stated that 60 percent of the population, 80,000,000 people, did not have an amount sufficient to provide adequate housing for themselves.

Let me now call attention to the supplemental report filed by members of the committee. Let us read what it says. I shall read just the summary, because later on I expect to take every paragraph of the report these gentlemen have submitted to the Senate and dissect it. I expect to take the report and analyze it. I do not know by whom it was written, but I now state to the Senate that I expect to take the report and dissect it limb from limb, and hang it up here for all to look at, so that the Members of this body may see with their own eyes what it is. Let us read just the preamble.

The Committee on Immigration submit the following supplemental report to accompany bill S. 2969—

Which bill is to do what?—

to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes.

Other purposes! One of the other purposes they have in mind is the creation of what is to be known as an interdepartmental committee, which will have the power, according to their desire, to administer the laws of this country. When they say that the law is wrong, they will make it right.

This report relates particularly to the amendment in the nature of a substitute heretofore reported, which the committee recommended be agreed to.

This substitute bill deals with two of the most urgent problems presented by the deportation laws of the United States: (1) The failure of the present statutes to enable the deportation of dangerous alien criminals.

Mr. President, I wish to comment there for a moment, because I think this is important. "The failure of the present statutes to enable the deportation of dangerous alien criminals." There is nothing wrong with the statutes. Look into the immigration laws. There is nothing wrong with the laws. They say that the statutes are wrong and that because of defects in the law we cannot get rid of aliens now in this country. They breathe hot one moment and cold the next. In that statement they remind me of the chameleon, one color now and another color the next moment.

They tell us that the laws are not adequate to enable the Government to deport aliens; yet at the same time they are trying to get a bill through the Congress to permit 2,862 deportable aliens to stay in the country. Members of the committee want to change the present laws so that those aliens can stay here. Yet we are told that the effort is to enact a law to enable the aliens to be put out. I say that before we pass such a law we should have executed the laws which are already on the statute books, which mandatorially provide that they shall be deported.

Someone might say, "Well, Senator, the 2,862 cases you have mentioned are hardship cases. You ought not to be so cruel, Senator. You ought to think about these poor people." I am as soft hearted as any man I ever saw in my life. I do not hate a living creature upon the face of the earth. There are many, perhaps, who dislike me, but I do not dislike them. The only person who suffers anything by dislike is the man who cherishes dislike. Hating somebody, or disliking him, will age one quicker than anything else in the world; and I do not wish to get old. At least I wish to retain my health until I can protect the American people from the thousands upon thousands of aliens who are coming into this country every year and usurping the jobs of our unemployed.

It is said, "We wish to enact a law under which we may deport alien criminals." I will gladly yield to my friend the Senator from Arizona if he wishes to interrupt me. He seems desirous of saying something.

There are laws under which 100,000 such persons might be deported tomorrow if it were so desired, but it is not desired to do so. It is desired that they be left here.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. MCGILL in the chair). Does the Senator from North Carolina yield to the Senator from Arizona?

Mr. REYNOLDS. I yield.

Mr. ASHURST. I did not seek to interrupt the Senator; but, with his accustomed gallantry and pleasantness, the Senator referred to me, and I wish to ask him this question: For every job of work held in this country by an alien is not a citizen displaced?

Mr. REYNOLDS. Absolutely! I thank the Senator from Arizona for his excellent contribution.

I had not intended to mention these hardship cases now, because I wish to take a couple of days in discussing those cases, and I did not desire to go into a description of them now; but, so long as we are on the subject, let me say something about them. I hope all fair-minded, all open-minded Members of the Senate—and all Senators are fair-minded and open-minded—will remember what I am now saying about hardship cases. In other words, I am going to be fair with my colleagues the Senator from Massachusetts [Mr. COOLIDGE] and the Senator from Utah [Mr. KING]. I am going to show them what I have up my sleeve. I am not going to "pull" something on them quickly and suddenly. I am preparing them for the jolt which is going to come.

Who else would do that? I repeat, Who else would do that? Well, I am going to do it! I am going to do that, because I like everyone in this body, Democrat and Republican alike, and I believe before I get through discussing this bill I shall convince my colleagues the Senator from Massachusetts and the Senator from Utah that they are wrong, because I think the Labor Department, through Colonel MacCormack, has not given them the full facts.

I should not make a statement like that unless I knew what I was talking about. It would not be right for me to do so. As a United States Senator, it would be quite improper for me to say that I believed that Colonel MacCormack, of the Labor Department, who is the head of the Immigration and Naturalization Service, would deceive my colleagues unless I knew what I was talking about. I would not make a

statement against anyone unless I could substantiate the statement.

Mr. President, unfortunately, I lost my father when I was a lad 7 years old, but I remember certain things my father told me. That was many, many years ago. He was just a plain, simple mountain man, who was born in our mountains and lived there all his life, and struggled for a livelihood during his youthful days. He had nothing. He had to work for everything he got. Finally, he came to be clerk of the court in that mountain section. But my daddy had a lot of good common sense, and that is worth more than all the book sense on earth. I remember that he said to me, "Son, do not ever say anything behind a person's back that you cannot say to his face"; and I have been working in a gymnasium ever since. [Laughter.] My father said, "Do not ever say anything about anyone unless you can say something good about him." But now I am at a point where I must say that those in the Labor Department, who are sponsoring the pending bill, have not given the facts to my friends the Senator from Massachusetts and the Senator from Utah. In other words, they have practiced deception upon those Senators.

I believe Senators know me well enough to realize that I would not dare to make such a serious charge against that great arm of my Government unless I could back up what I have to say. So I back it up, and say, in fairness to my colleagues, that I take out that which I had up my sleeve and exhibit it to them, and warn them, and put them on their guard, so that hereafter they may take with a grain of salt the information which is given them. An effort is being made to ram this bill down the throat of Congress. To do what? To leave in this country 2,862 people who Colonel MacCormack has said are people of good character.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall be delighted to yield to my colleague from Pennsylvania.

Mr. DAVIS. Has the Senator discussed this matter with the Commissioner General of Immigration and Naturalization?

Mr. REYNOLDS. Yes.

Mr. DAVIS. Has the Senator seen this list of 2,800 persons, or whatever the number is, whom it is desired to admit under the provisions of the bill?

Mr. REYNOLDS. Yes.

Mr. DAVIS. Has the Senator familiarized himself with that list?

Mr. REYNOLDS. Yes.

Mr. DAVIS. Are they men of character and standing?

Mr. REYNOLDS. There may be a few on the list who are of good character and standing; but I desire to advise my colleagues about this subject. We ought to know about it. I am not going to apologize for taking Senators' time and discussing the question, because I know the whole American people are more vitally interested in this subject than in anything else which will come before the Congress, and I bar nothing.

What about those 2,862 persons? Senators have heard about them. Oh, it is too bad to put them out of the country—those hardship cases! Let me show the Senate something. I am going to take only a minute on this point now, but I desire to take a couple of days on it when the opportunity shall arise, because I wish to discuss every single one of the 2,862 cases, and I shall do so if the Senators sponsoring this bill wish me to discuss it. I now issue a challenge to anyone who is sponsoring the Kerr-Coolidge bill to bring into this body any single one or 100 of the cases for which they are trying to create sympathy in this body, and let us try those cases on the floor of the Senate, before the eminent Senators, in order that they may know the truth about them.

The whole bill is written around those 2,862 cases. There is nothing else in the bill. Get down the immigration laws from the date the first immigration law was passed, around the year 1782, and Senators will find just exactly what I tell them here today. Everything in this bill is camouflage except paragraph 3, which is so worded that looking at it at a glance one would think it to be a deportation provision, whereas, as a matter of fact, if one reads and studies it, and reads between the lines, he will see that it is an importation bill.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. DAVIS. I do not wish to divert the Senator from what he is discussing.

Mr. REYNOLDS. That is all right. I am glad to have the Senator from Pennsylvania interrupt me at any time he feels disposed to do so.

Mr. DAVIS. Inasmuch as the Senator has given some thought to the bill and to this particular question, may I ask him how the interdepartmental committee will work? Can the Senator tell me how the machinery will be put into operation to enable the interdepartmental committee to consider those two-thousand-eight-hundred-odd cases, to stay the deportation of the persons involved, or to give them permanent residence in this country?

Mr. REYNOLDS. The first mention of the interdepartmental committee is made, I believe, in section 3, according to my best recollection, and later on it is stated how the interdepartmental committee is to be constituted, by whom it is to be constituted. There is to be a representative of the Labor Department, a representative of the State Department, a representative of the Department of Justice; but the Senator from Pennsylvania knows as well as I do that when we say a representative of the Department of Labor, a representative of the Department of State, and a representative of the Department of Justice, that does not mean that Mme. Secretary Perkins, or Secretary Cordell Hull, or Attorney General Homer Cummings, is going to sit on that committee. It means that the heads of the respective departments are going to select subordinates to meet and pass upon this thing. In other words, the proponents of the bill have the audacity to ask the Senate to provide for putting a few departmental clerks in a room together to make our immigration laws. That is what is being proposed.

Mr. DAVIS. Mr. President, may I interrupt the Senator further?

Mr. REYNOLDS. Certainly.

Mr. DAVIS. Is any appeal provided from the interdepartmental committee's recommendations, or from the recommendations of the officers who make up the interdepartmental committee?

Mr. REYNOLDS. None.

Mr. DAVIS. Is any appeal to the courts provided?

Mr. REYNOLDS. None whatsoever.

I state, Senators, that Colonel MacCormack had deceived my friends, and I cannot leave that subject until I prove that to Senators; and in proving that in one case I am putting my friends on guard, because I do not want to become involved in a discussion of these cases without telling them what I have done. This is what I did.

I had heard about these hardship cases; I had heard that this bill was being written around those cases; I had heard that it was desired to keep the 2,862 aliens in this country; I had heard most pathetic stories, stories which almost brought tears to my own eyes. So when I heard about some of these dreadful separations, when I heard how saintly these men were, when I heard Colonel MacCormack talking about the poor men who were involved in these hardship cases, when I heard statements as to what a crime it would be to deport them, I almost burst into tears, and I hardly knew what to do. I knew, Mr. President, there was but one thing for me to do; that was to investigate, and if the facts were as disclosed, I would not want to have any action taken that would break the heart of any innocent man, particularly one who by description had been placed upon a pedestal of ivory and clothed in raiment of radiant white. From the description given of some of the poor individuals classified amongst the 2,862 hardship cases, one would think that they had but recently descended from heaven; that they had never seen the Atlantic or the Pacific shores, but that they came from the clouds above, clothed in raiment of

white, and with wings had alighted upon our fertile soil. That was the description given.

Now let us see whether Colonel MacCormack, who says that this bill ought to be passed, who says that it must be passed, has dealt fairly with my colleagues, the Senator from Utah [Mr. KING] and the Senator from Massachusetts [Mr. COOLIDGE], whose confidence he had had up to the present time.

I am going to examine just a few of those cases; but, before doing so, the Senate may want to know how I learned about them, and I wish to say something about that.

I took 2 or 3 days off here and went to the Labor Department. I sat down at the Labor Department with a stenographer and I said to the gentleman in charge—I do not see him here today, but he was here yesterday—"Just pick out at random any cases you have." They have those 2,862 cases classified into one, two, three, and four—four categories, four classes, four shelves. No. 1 is the lily white; no. 2 is not quite so white; no. 3 is a little darker; and no. 4 is just a little grayish color.

I said to the gentleman in charge, "Now, I am here to investigate these cases; I wish you would favor me by just picking out any cases you want to." I said, "I want more lily-white cases than any other kind; I want the cases of those who have been pictured as coming from heaven above, and not those who are pictured as jumping ships and scurrying across the Mexican and Canadian borders; I do not want those who have come in on bought or counterfeit passports; give me some lily-white cases, and give me more lily-white cases than any other kind, because I want to be fair with my colleagues. I want to give them the benefit of the doubt; I want to give them every advantage of the argument; and, if I can, I want to prove to myself that I am wrong and that they are right." So he brought in the cases. The gentlemen at the Department were very nice to me, and I want publicly to acknowledge my appreciation of their kindness and aid. They picked out cases at random. I do not think that they got out the best cases. Since I was so nice about it, I am sure that they were equally agreeable, and so I imagine they just picked cases out at random. Now, let me read one of the cases. Let us see about this matter. Here is the case of Goldborn Branch. He is one of those whom, it is said, it would be a hardship to deport and that he ought to be permitted to remain in this country. This is almost a lily-white case; the alien is almost lily white; he is in class 2. The purest, unadulterated, the whitest, the best, are in class 1; but those in class 2 are just about as good as those in class 1; as a matter of fact, it is difficult really to draw any distinction between class 1 and class 2, because they are both about in the same category; and, mind you, Mr. President, the cases in class 3 and class 4, as well as those in classes 1 and 2, were picked out and it was said the individuals concerned ought not to be deported, and they have been kept here for about 3 years in violation of the laws of this country. The Department of Labor would not deport them, although the Congress, which makes the laws of the country, made it mandatory upon the Department to deport those people. Those administering the law have violated the law; they have snubbed Congress and said, "No; we are going to do what we want to do about it; we are going to change the law because we think the law is wrong, and we are going to help in those cases in which we are interested. They are fine people, of fine character, and you must not put them out, because it would be a hardship upon them and upon the loving members of their families."

So I picked up one of those cases at random. This is the record, Senators, that was provided by Colonel MacCormack. It was the duty of Colonel MacCormack to provide the Senate with a summary of every one of those 2,862 cases. The other House of Congress demanded that Colonel MacCormack provide full information in regard to these cases involving individuals concerning whom he wanted the Congress to change the law so that they could remain here. The Department made out 2,862 summaries. Colonel MacCormack was called upon to relate the facts to the United States Congress; the facts were called for by the other House of the National Legislature; he made summary of every one of the 2,862 cases, sent them down, and had them put under lock and key under the direction of Mr. DICKINSON, who is chairman of the Committee on Immigration and Naturalization of the House of Representatives, a committee of which the Honorable JOE STARNES, of Alabama, is also a member and coauthor of the Reynolds-Starnes bill.

It was the duty of Colonel MacCormack to have given the Congress the facts. That is what was called for. The Congress called for the "low-down" on each case.

Well, this man's name is Goldborn Branch; age, 34. Here is the information that Colonel MacCormack provided:

File No. 55725-261.
District No. 3118/265.
Date last entry, October 15, 1933.

From that I infer that he had been in the country before.

Goldborn Branch.

That is a good name.

Whether previously in United States?

When he was asked that question he said:

Yes; originally entered in 1910. Remained here until 1914, when he went to Canada. Reentered in August of 1924.

So we know he came into this country twice.

And remained here permanently since that time, except for short visits to Canada, returning from the last on the above date.

Mr. Branch evidently came into the country once—we do not know whether it was legally or illegally—and went out and came back. I am reading from Colonel MacCormack's record:

Total period in the United States to December 1935?

He has been here 15 years and 5 months. That is all right. His address is 109 Walnut Street, Buffalo, N. Y. He is fortunate in living there near Niagara Falls, in a beautiful city.

Dependent relatives in (relationship) United States?

His answer was: "Beatrice Branch and Edith, wife and daughter."

That is all right. He must be a pretty good man, judging from Colonel MacCormack's record.

"Have you any other relatives in the United States?" "No; I have no relatives in the United States." He just has a wife and daughter.

"Any relations abroad?" "No; I have no relations abroad." "What is your occupation?" "I am just a laborer."

That is all right. Some of the finest characters I have known in my life were plain workingmen, earning anywhere from $1.50 to $5 a day. Some of the finest characters I have known are men who earned their living by the sweat of their brow. I am proud to say that some of the best friends I have on the face of the earth are poor laboring men.

"Self-supporting?" "Oh, yes; I am self-supporting." "Have you ever been on relief?" "Yes; I was on relief 1 year."

He is an alien, but that is all right. There are 1,500,000 other aliens on relief and many Americans on relief.

"Public charge?" "No, sir; I am all right; no public charge against me."

Now, why did they want to deport Mr. Goldborn Branch?

Grounds for deportation: He has remained in the United States for a longer time than permitted under the act of 1924 or regulations made thereunder.

They just want to deport Mr. Goldborn Branch because he has remained in the United States for a longer time than permitted under the act of 1924 or regulations made thereunder. I do not know whether or not that is fair. We do not know how he got into the country twice.

"Any unfavorable factors on report?" Colonel MacCormack said: "No; no unfavorable factors at all."

I have marked that in red ink so I would be sure to emphasize "none", because the Department of Labor has stated in the report where they were supposed to give all the facts and be frank and fair and honest with the Members of this body, the court in this case, that there were no unfavorable factors.

That is all right. He must be a pretty good fellow. He has a wife and daughter and is a good, hard-working man and laborer.

Mr. DAVIS. Mr. President, were the wife and daughter admitted legally in that case?

Mr. REYNOLDS. Of course. Here is the colonel's record. There is nothing the matter with this.

No. 13—and I hope there is nothing unlucky in no. 13 for Mr. Branch.

No. 13. Favorable factors or reports: Citizenship of wife and daughter.

The report reveals that they are self-supporting.

14. Reason for stay: Deportation would involve hardship.
15. Date stayed: March 12, 1934.

They are not going to deport him. They stayed the deportation because it would be a hardship to deport him.

Date of last investigation: November 30, 1935.

I rather agree with other Members of the Senate that this man ought to be permitted to stay here. There is no evidence in Colonel MacCormack's report that he entered this country illegally. There is no evidence in the report that the man had ever been arrested for any offense. To the contrary, Colonel MacCormack says there is no public charge against him. There is no evidence in the report except that this man is a hard-working laboring man who earns his living by the sweat of his brow, and fortunately he has a good wife and daughter who are self-supporting, and therefore it would be no hardship upon them if they supported him.

I am a soft-hearted man, and I know most other Senators are soft-hearted, so we should let Mr. Goldborn Branch stay if we base our judgment on the record. Colonel MacCormack says he has a fine record.

Mind you, Mr. President and Senators, and let those who read the RECORD take notice also, the Labor Department has asked us not to deport Goldborn Branch and 2,861 others on the information that Colonel MacCormack provides us. Let us see whether or not Colonel MacCormack has been fair with this body. Let us see whether Colonel MacCormack and his associates have dealt fairly with my colleagues.

Let us see whether or not deception has been practiced upon the Members of this legislative body. The lawyers of the Senate, particularly, will agree with me that deception sometimes may be practiced more cunningly by withholding the facts than by distorting the facts; and I say deception has been more cunningly practiced in all these cases by withholding the facts than by distorting the facts.

What are they?

The Senate has heard what Colonel MacCormack said about Goldborn Branch; and I am going to assume that we are all in agreement, from Colonel MacCormack's records, that Goldborn Branch and his family should be permitted to stay here—a hard-working laboring man who had never been arrested in his life, who had never been in any trouble. From the records, he came into this country legally and had never violated a law of this country.

I went over to the Department. I wanted to find out about this lily-white gentleman. Class 1 is the lily-white cases. Class 2 is composed of those not quite so white. Class 3 is composed of those of a little darker hue. Class 4 is composed of those who are a little gray. Let us find out what the records show. I have here information with which Colonel MacCormack should have provided this body, because I know that my colleagues are entitled to the facts when it comes to passing any kind of legislation.

Goldborn Branch, 109 Walnut Street, Buffalo, N. Y.: Let us see if this gentleman is so lily white.

He is a West Indian negro. He came here illegally by way of Canada. Colonel MacCormack did not tell us that he came into the country illegally. He was married in Canada. He does not know where his wife is. Colonel MacCormack did not tell us that this man had deserted his wife, or his wife had deserted him. I am inclined to believe it was the latter, from the record that will follow. This is the lily-white gentleman who was painted so gloriously in raiment of white and placed upon a pedestal of ivory by Colonel MacCormack and his associates.

Goldborn Branch has a common-law wife. You all know what a common-law wife is—a woman with whom a man lives without being legally wedded to her. He has a common-law wife to whom an illegitimate child was born. The record does not show the word "illegitimate", but I use that in preference to another word. He is living with his common-law wife and brought her in to this country illegally. Listen to that, Senators! Not only did he himself come into the country illegally, in violation of our laws, but he brought this woman into the country in violation of our laws—the woman with whom he was living, his common-law wife—from Canada, for what purpose? For immoral purposes!

Colonel MacCormack did not tell us that this man's legal and lawful wife had been deserted by him, or she had deserted him. Colonel MacCormack did not tell us that this man slipped into our country in violation of our laws, and had been here for 15 years in violation of those laws. Colonel MacCormack did not tell the Senate that this man had a common-law wife, a mistress with whom he is living, by whom he had begotten an illegitimate child. Colonel MacCormack did not tell us that this sweet-smelling violet had had the audacity and the disrespect for the laws of your country and my country and our country to slip his mistress across the border in violation of our laws. It shows what disrespect foreigners have for the immigration laws of this country.

Senators who have traveled world-wide know as well as I do that foreigners do not give a hoot about the immigration laws of this country. They laugh at us; they think we are the biggest "simps" on earth, and I am beginning to believe we are.

Let us see. How in the world did the authorities get in touch with this man's record? Here is the record. Colonel MacCormack did not reveal this to us.

Goldborn Branch was arrested once, on complaint—why, my heavens!—was arrested once upon complaint of his common-law wife, for beating her! She slipped into the country in violation of the law; and after Goldborn Branch got her over here, and kept her here in violation of the law, and lived in adultery with her, what did he do? He beat her, and that is how the immigration authorities got in touch with him.

That is one of these immigrants. That is a lily-white one. I again challenge those who sponsor this bill to go to the Labor Department and seek out any one of the 2,862 cases of persons whom Colonel MacCormack has said ought not to be deported, and bring it into this Chamber, and let us discuss it on the floor of the Senate. I, therefore, at this hour, have brought to your attention a "lily white" case; and later it will not be my pleasure, but it will be my privilege and my duty to this body to show up the real facts, and to reveal the truth about these cases.

Mr. McKELLAR. Mr. President——

Mr. REYNOLDS. I gladly yield to my colleague from my sister State of Tennessee.

Mr. McKELLAR. I wish to ask the Senator whether Colonel MacCormack reported the facts the Senator first read concerning this immigrant.

Mr. REYNOLDS. I will state to the Senator that hearings on the Kerr-Coolidge bill were being held by the Senate committee. Hearings on the Kerr-Coolidge bill were being held in the House of Representatives by a committee of which my colleague from Alabama, Mr. JOE STARNES, the co-author of the bill I advocate, is a member; and there came up the question of the passage of this bill which interests itself fundamentally with changing the laws so as to keep in this country, right now, 2,862 persons.

Mr. McKELLAR. And this is one of them?

Mr. REYNOLDS. If the Senator will pardon me just a moment, the House wished to ascertain who these 2,862 men were; and so, by way of a resolution, they requested that Colonel MacCormack, the head of the Immigration and Naturalization Service, make up a summary, a digest of each and every one of those 2,862 cases, and provide the House with the facts, the truth, the whole truth, and nothing but the truth about each case, so that the gentlemen over there, who were just as much interested as we are, could ascertain

whether or not these were what some persons have been pleased to term and classify as "hardship" cases.

So, in answer to the Senator's inquiry, I will say that the first report I read, which painted Goldborn Branch as such an angel and a fine, law-abiding citizen, an American citizen from all reports, is what Colonel MacCormack sent over here; and the second report I read is what the Department's own records show. I know that is the case, because I went there and looked at the records with my own eyes.

Mr. McKELLAR. In other words, as I understand the Senator, the first report is the one which was handed to the Senator by the head of the Immigration and Naturalization Service, and the second report is from the Senator's personal examination of the facts? The Senator is making the second report?

Mr. REYNOLDS. Yes, sir. In other words, in order that that may be quite plain, the first report I read is a copy of a report which was sent by Colonel MacCormack to the House. It is one of the 2,862 reports furnished, in which he was requested to state the facts, to tell the truth, the whole truth, and nothing but the truth, and reveal the situation to us.

Mr. McKELLAR. May I ask the Senator if that is an isolated case, or are there other cases in which the facts were not as reported?

Mr. REYNOLDS. I say to the Senator, by no means is that an isolated case. During the course of the several days I spent at the Department of Labor—at which time, I must be candid and frank to state, I was very generously received and courteously treated by those in charge—I investigated 30 or 40 cases.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. DAVIS. I am of the opinion that the Commissioner General of Immigration and Naturalization, Mr. MacCormack, is dependent entirely upon subordinates for the information that is furnished him. I do not presume he has had opportunity to check these matters as the Senator has.

Mr. REYNOLDS. Of course; I dare say Colonel MacCormack had his assistants looking up the cases, but I venture to say that when those reports were furnished, Colonel MacCormack, knowing their importance, most assuredly scanned them, if he did not read them carefully, because I cannot bring myself to believe that a man holding the responsible position occupied by Colonel MacCormack would willfully send to this body and the other body reports which are absolutely distorted, erroneous, and do not give the real facts.

Mr. DAVIS. I cannot quite understand, if the procedure is being followed now which was followed many years ago, how that would get by, because first the Assistant Commissioner would have charge of it, and then usually it would go to a board of review, comprised of five very able men, men thoroughly familiar with the immigration laws, and if it passed those five it then would go to the Commissioner's table. So I cannot understand why all this information has not been given out.

Mr. REYNOLDS. I cannot understand it. The Senator from Pennsylvania was Secretary of Labor for a number of years, was he not?

Mr. DAVIS. Yes. The Secretary of Labor is dependent entirely upon his subordinates.

Mr. REYNOLDS. Of course, the present Secretary of Labor depended entirely upon the Commissioner General of Immigration and Naturalization.

Mr. DAVIS. That is correct.

Mr. WALSH rose.

Mr. REYNOLDS. I shall yield to the Senator from Massachusetts in just a moment.

It is beyond my comprehension, it is beyond my sense of fair play, how under heaven a man holding the responsible position which is occupied by Colonel MacCormack would permit a thing like this to be brought to the attention of the public, would permit a summons to come calling for the truth, the whole truth, and nothing but the truth, and the plain facts, and then have such a distorted report sent in.

Mr. DAVIS. Before deportation, it is necessary to issue what is termed a warrant. Then an immigration inspector is sent; the inspector holds a hearing and develops all the material and sends it in for the record.

Mr. REYNOLDS. That is correct.

Mr. DAVIS. Then, before a deportation can take place, the Assistant Secretary or the Secretary of Labor must approve what the Commissioner General of Immigration and Naturalization recommends.

Mr. REYNOLDS. That is correct, and I thank the Senator for his contribution. Before he takes his seat, permit me to ask him another question. The Senator was Secretary of Labor for a number of years, and I should like to inquire of him whether he recalls just at this juncture how many immigrants have come into this country since 1920.

Mr. DAVIS. Mr. President, I do not recall the exact number who have come in, but I have been making some pencil memoranda here which I think are correct, and I shall be glad to give the figures to the Senate.

Prior to the passage of the restrictive act, for which most of the Senators on the Democratic side of the Chamber who are present voted, from 800,000 to 1,000,000 were coming to this country annually.

Mr. REYNOLDS. A million a year!

Mr. DAVIS. More than that entered in one of the years, immediately after the war. During the war the immigration act and other acts of the kind were set aside, but prior to the war more than that were entering the United States. If we had gone on for 14 years without the restriction acts, 14,000,000 immigrants would have entered. I will tell the Senator how many have come in since 1922, since the first act.

In 1922, immigration was limited, and there arrived in the country 309,556.

Then, because of the 3 percent law, those coming from Canada and South America were not excluded, and many came in via South America. In 1923 some 522,919 came in.

In 1924, 706,896 came in.

Then there was inserted in the immigration law a residential clause as to Canada and South America, which reduced the number in 1925 to 294,000.

In 1926, there entered 304,000.

In 1927, 335,175 came in.

In 1928, 307,255 entered.

In 1929, 279,678 came in.

In 1930, 241,700 came in.

Then, in 1931, under the Hoover administration, the total number permissible under the quota law was 150,000, but immigrants came in from Canada and South America and Mexico, nonquota countries. That is why the number increased so greatly.

In 1931, it was limited, and the number coming in to get visas, 10 percent of the quota, amounted to 97,000.

In 1932, 35,000 came in.

In 1933, under the same limitations, the ruling made under the Hoover administration has not been changed—the number was 23,068.

In 1934, it was 29,470.

In 1935, it was 34,956.

The total since 1922, of restricted immigration, was 3,522,190.

Mr. REYNOLDS. Since what date?

Mr. DAVIS. Since 1922.

Mr. REYNOLDS. It was a number greater than the population of the city of Chicago.

Mr. DAVIS. Over that period of time, from 1922 to 1932, in 10 years, 192,346 immigrants were rejected. In the last 3 years 16,469 have been rejected, making during that particular period a total of rejections at the ports of 208,815.

There were deported by the warrant procedure, such as I outlined just a moment ago, during the first 10 years, from 1922 to 1932, 17,795; and in 1933, 1934, and 1935, there were deported 6,942, or a total of 24,737. That was the number of criminals deported. Of the others, the number was 162,664.

Then there were expulsions without warrants. I remember that many came in from Mexico, and we did not have jails enough on the border to take care of them. I forget just the number we were feeding, but a tremendous expense was involved. I remember on one occasion some Chinamen were de-

ported. Some $45,000 had been saved up by the Department, and it took every dollar of the $45,000 to deport from the country those Chinamen who had entered illegally.

The expulsions without warrant numbered 120,669 during the time referred to. The total expulsions amounted to 248,519.

These are figures I have taken from the reports of the Commissioner General of Immigration for this particular period.

Mr. REYNOLDS. Mr. President, the information is quite pertinent and extremely interesting, and I assure the Senator that I am very grateful for his contribution.

I am pleased now to yield to my friend and colleague the distinguished senior Senator from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. President, as I view what the Senator has just presented to the Senate, he has raised an issue which is apart from the merits or demerits of the pending bill, and I should like to ask the Senator two or three questions.

Mr. REYNOLDS. Certainly.

Mr. WALSH. First of all, I understand that the first record the Senator read, which we will call the limited or codified record, was copied from a report sent by the Department of Labor to the House of Representatives upon their request for a statement of the facts in each of these so-called good character deportation cases.

Mr. REYNOLDS. That is correct.

Mr. WALSH. Am I to understand that the second record which the Senator read he himself acquired from the files of the Department of Labor?

Mr. REYNOLDS. The second record I read, I acquired.

Mr. WALSH. From the files.

Mr. REYNOLDS. From the files of the Department of Labor.

Mr. WALSH. So that whoever compiled the record that was sent to the House of Representatives did not state in the compilation all of the facts, and particularly the facts showing the absence of good moral character upon the part of one of these aliens?

Mr. REYNOLDS. That is correct, Mr. President.

Mr. WALSH. It seems to me it is the duty of someone to find out who the official is who willfully or negligently kept from the Congress of the United States the full statement of those facts.

Mr. REYNOLDS. I believe the Senator from Massachusetts is absolutely right. I think the Senator in those few words has made one of the most vital and important statements that could possibly be made in this RECORD, because the statement which the Senator has made goes to the very heart of the whole matter.

Mr. WALSH. If the officials who are compiling these records are going to proceed to administer the discretionary power they are to be granted in this bill in the manner in which they made this RECORD, the Congress may well hesitate before giving this discretionary power.

Mr. REYNOLDS. The Senator is absolutely right about that matter. I know the Senator has the interest of America at heart. The time has come when we must sympathize with America as well as sympathize with the alien.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. McKELLAR. I wish to ask the Senator whether he has any information as to how many of the two-thousand-eight-hundred-and-some-odd cases are not worthy cases, and how many, perhaps, are worthy cases?

Mr. REYNOLDS. It would be impossible for me to answer the Senator's question precisely by way of providing any definite figure; but I will say that if I am to judge of the entire 2,862 cases by what the records revealed in some 20 or 30 cases which I examined, then out of the whole 2,862 cases there are certainly not over 300 which are deserving of consideration.

Mr. McKELLAR. Is there any reason why the Department cannot furnish the Senate or the House, or both, the exact facts about each and every one of the 2,862 cases?

Mr. REYNOLDS. There must be a reason, because a resolution was introduced in the lower House of Congress asking for the facts; and instead of getting the bald-faced truth, instead of getting the facts which Senators desired and which Representatives desired, those from whom the facts were required deceived us by eliminating the facts and distorting the facts in this particular case.

This afternoon I am going to refer to another case, because I see that Senators are interested in what I am discussing. Again I wish to say that I have no apologies to make to any Senator here or to the Senate for taking time on this matter, because I feel that I am doing Senators a favor. I know how busy they are. I know how busy I am. It is absolutely impossible for a man to do all the work he is called upon to do as a Senator. I appreciate that, and I appreciate the condition other Senators are in. Some of us have an average of a hundred persons calling upon us every day, unfortunate persons seeking employment, and it grieves us that we cannot find employment for them. I grieve every day because I cannot provide a job for every single one of the 100 or more persons who visit my office every day; and I grieve seriously because I know that there are about 5,000,000 or 6,000,000 aliens in this country who do not care anything about the United States, who are taking the jobs of my constituents and other Senators' constituents. Why should I not grieve about such a condition?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am glad to yield to my friend the senior Senator from Montana.

Mr. WHEELER. The Senator from Tennessee [Mr. McKELLAR] a while ago asked how many of the cases are similar to those specifically mentioned. I wish to call attention to the fact that every one of the 2,862 individuals referred to is in this country in violation of some law.

Mr. McKELLAR. All the 2,862 persons who are being kept here by the authorities are kept here in violation of the law? Is that what the Senator means?

Mr. WHEELER. Yes; they are here in violation of the law. The present law gives the Department discretion to keep them in the country. In my judgment we ought not to do that. If aliens violate a law, they ought to be deported. If they come here illegally, we are not responsible for that. If they are here illegally, it may work some hardship to deport them, but we are not responsible for it. It is their responsibility; and when they come to this country under those circumstances, in violation of law, they ought to be sent back to the country from which they came.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to my distinguished colleague the senior Senator from the State of Illinois.

Mr. LEWIS. Will the Senator allow me to interrogate the Senator from Pennsylvania [Mr. DAVIS], the former Secretary of Labor? Did I understand the Senator from Pennsylvania, in speaking a moment ago in response to the Senator from North Carolina, to refer to an instance where a Chinaman had come into this country, we will say illegally, with $45,000, and that the Government took that money away from him?

Mr. DAVIS. Oh, no, Mr. President; the Senator entirely misunderstood me.

Mr. LEWIS. What should I have understood the Senator to say?

Mr. DAVIS. At one time we deported a number of Chinamen, and it cost the Government $45,000 to do it.

Mr. LEWIS. Did not the Senator say one of the Chinamen had $45,000, which was taken from him?

Mr. DAVIS. No, Mr. President. The Labor Department had saved that much money out of the appropriation; and when the end of the year arrived, it had all been absorbed by reason of sending a number of Chinamen back to China.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I gladly yield to my colleague from Vermont.

Mr. AUSTIN. Before the Senator leaves the subject of the response of the Secretary of Labor to the resolution of the House of Representatives of August 23, 1935, I wish to call to his attention House Document No. 392, which purports to contain a letter from the Secretary of Labor, as follows:

DEPARTMENT OF LABOR, OFFICE OF THE SECRETARY,
Washington, January 15, 1936.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: In accordance with the resolution of the House of Representatives on August 23, 1935, I have the honor to submit—

(a) List of all cases by number and name in which deportation has been stayed up to and including December 31, 1935.
(b) Complete file on each case.
(c) Summary of file and report on each case.
(d) Report of the Commissioner of Immigration and Naturalization.

Very truly yours,

FRANCES PERKINS.

Did the Senator from North Carolina find that this statement, "(b) complete file on each case", was an inaccurate statement?

Mr. REYNOLDS. I absolutely did not find a complete statement as to the cases.

Mr. AUSTIN. Did the Senator find a complete file on each case?

Mr. REYNOLDS. I did not.

Mr. AUSTIN. I thank the Senator.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. Gladly.

Mr. DAVIS. May I say to the Senator from Illinois that after the passage of the restrictive act there were such violations by those who were bootlegging immigrants that we fined steamship companies many millions of dollars for bringing aliens into the country in violation of the law. I remember at that particular time aliens were bootlegged, not only by ships through the sea routes but by airplane. It was estimated at one time that a little Chinese girl could have been sold in Chinatown in San Francisco for $5,000 if she could get into the country. It was a very lucrative business.

Mr. LEWIS. An interesting statement, I confess.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. REYNOLDS. With pleasure.

Mr. SCHWELLENBACH. The Senator said he has examined some 30 or 40 of these cases out of a total of 2,832.

Mr. REYNOLDS. I think so.

Mr. SCHWELLENBACH. How did the Senator arrive at the particular cases which he chose to examine?

Mr. REYNOLDS. When I went to the Department of Labor, there were two or three cases in which I was particularly interested. There were two or three cases in particular which I was anxious to bring to the attention of the Senate. When I went to the Bureau and walked into the file room, I was told, "There are the files." I did not know anything about the cases and those who were assisting me knew nothing about the cases. I merely picked out at random several cases which we took into the library where we could work without being disturbed. I told the gentleman who had been so courteous and kind to us that I would appreciate it if he would pick out any cases, 15 or 20 of the lily-white cases, and bring them to me. He picked them out at random. To try to go through 2,800 cases would take a long time, but he picked out 15 or 20 cases and brought the records to us, a great stack of them. We put them on the desk. I had a stenographer there and we went through them.

Mr. SCHWELLENBACH. Let us assume the Senator examined 30 or 40 cases.

Mr. REYNOLDS. Yes; just at random.

Mr. SCHWELLENBACH. The Senator has discussed one of them?

Mr. REYNOLDS. Yes.

Mr. SCHWELLENBACH. How many of those cases which the Senator examined does he feel are of sufficient interest to discuss?

Mr. REYNOLDS. They are all of great interest, for the reason that the whole bill is built around the 2,862 cases.

Mr. SCHWELLENBACH. I am trying to get at percentages or proportions. Of the 40 cases which the Senator examined, how many does he think should be discussed?

Mr. REYNOLDS. As a matter of fact, I may be a little bit prejudiced, because I think anybody who has violated the laws of our country in coming here——

Mr. SCHWELLENBACH. But leaving out of consideration that element?

Mr. REYNOLDS. Leaving that out of consideration, there might be 1 in the 30 or 40 cases that would be deserving of consideration by this body.

Mr. SCHWELLENBACH. The Senator feels that 39 out of the 40 are not worthy of staying in the country?

Mr. REYNOLDS. Yes; I think that is true.

Mr. SCHWELLENBACH. Because of acts?

Mr. REYNOLDS. Acts committed here, violation of the law in coming here, disposition toward the Government, and so forth. I shall be glad to read very briefly just another case picked at random.

Mr. SCHWELLENBACH. Will the Senator read one that has not been selected? Pick one at random.

Mr. REYNOLDS. None of these cases was selected.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. DAVIS. I may say to the Senator from Washington that the hangman's job is a gentleman's job compared to that of the Commissioner General of Immigration and the Secretary of Labor in many of these cases because they are so heart appealing. It just tears one's heartstrings to have to make a decision. However, the question is, as was said by a very distinguished man now on a high court, "What is the law?" One has to follow the law. I would not want to be in the place of the Commissioner General of Immigration and have to accept the responsibility of admitting those 2,800 persons.

Mr. REYNOLDS. Mr. President, in answer by way of actual data to the inquiry kindly directed to me by my friend from Washington, let me take up another case picked at random, just as I picked them at the Bureau, and let us see what it is.

This gentleman's name is George G. Grenier, age 38, a young man. He entered this country July 21, 1926. In answer to an inquiry he said he had been in the United States before; a total period in the United States of 9 years and 3 months. Mind you, Mr. President, I am reading from a record provided the Members of this body and the House of Representatives by the Commissioner of Immigration.

The address of this man is 1213 East Fifty-third Street, Chicago, Ill. He comes from the home town of the senior Senator from Illinois [Mr. LEWIS]—a fine city.

Dependent relatives in the United States? Yes; a wife and son.

George is all right up to that point, according to the colonel's report.

Any other relatives in the United States? "No"—

Says George.

Any relatives abroad? "No"—

Says George—

"I have no relatives abroad."
What is your occupation? "I am a painting contractor."
Are you self-supporting? "Oh, yes, indeed"—

Says George—

"I am self-supporting."
Have you ever been on relief? "No, sir; never."

George must be a good man. He has a wife and child, and there is no evidence that he got into this country illegally; no evidence of his doing anything that was contrary to good morals or good citizenship.

Have you ever been a public charge? "No, sir"—

Says George.

Here is the colonel's statement as to the grounds for deportation—that he is in the United States in violation of the Immigration Act of 1924. There we do find he violated the law. The colonel further says that at the time of his entry he was not in possession of unexpired immigration visa.

What are the unfavorable factors of the report? Colonel MacCormick says the unfavorable factors are that the alien—wait a minute! Unfavorable factors? Colonel MacCormack

reports that this man has a bad moral record. There must be some mistake here, because a man with a bad moral record who has violated the law in slipping into the country has been held here. That is all the colonel says, that he has a bad moral record; that he admitted he is the father of an illegitimate child whom he later adopted. That is the only redeeming feature I can see about him; but if he was man enough to adopt his illegitimate child, I have more respect for him than I otherwise would have.

His statements as to birth and military service are ridiculous.

That is what the Immigration Service says. Despite that, the Immigration Service says this alien is a fine man. He will contribute to the future generations of America. He will help us build up America and continue her as the greatest Nation on earth. We must keep him here to help us do it.

Here are the favorable factors:

United States citizenship of wife and child.

Well, let us see:

Reason for stay—

That is, the reason the Department of Labor has for staying the man's deportation; that is to say, for keeping him here when the law says he must be put out. They say—

to permit voluntary departure, to prevent separation of family.

Well, after all, that fellow is not so bad. I suppose to err is human. I do not suppose any of us in this body, even, could rise and say, "I have never committed sin." Very few—none, can do it. We all have our faults. So, according to Colonel MacCormack's report, this man is a pretty good fellow.

Let us see what the record shows. Let us see whether or not Colonel MacCormack has been fair with these gentlemen whose confidence he has betrayed. Let us see whether Colonel MacCormack has given us the facts. Let us see what the facts are.

Mr. George Gaston Grenier; he has a good name.

Mr. SCHWELLENBACH. Mr. President, what is the Senator reading?

Mr. REYNOLDS. I am reading from the records of the Department of Labor that I examined.

Mr. SCHWELLENBACH. What the Senator has read is what?

Mr. REYNOLDS. What I have read is the record provided this body and the other House of Congress by Colonel MacCormack and the Immigration and Naturalization Service. Upon that record, I say to the Senator from Washington and his colleague, Colonel MacCormack would have this body of lawmakers pass upon the question as to whether or not that man should be deported; and if Senators should pass upon the question from this report of Colonel MacCormack, being big-hearted men, as they are, they probably would say, "Well, let the poor fellow stay." But it has been my duty—my sworn duty as a Member of this body—to reveal the truth and to bring the truth to the attention of my colleagues.

Let us see about George Gaston Grenier. Here are the facts:

The files of the Immigration and Naturalization Service show that Grenier entered the country illegally in 1926. When he came into this country, he violated our immigration laws by slipping in here.

Oh, my goodness! I did not know George was so bad. The records show that he was a deserter. That is as bad as being a perjurer—worse than being a perjurer in time of war, when his country is in peril. George Grenier, bearing that good name, was a deserter from the French Army.

How much respect have you for a deserter from the American Army?

Oh, my goodness! The records show that Grenier stole an airplane. He deserted from the Army, and stole an airplane. He is not only a deserter but he is a thief.

Oh, my goodness! The records show that he gave false testimony in applying for United States citizenship.

A deserter! Was that mentioned in Colonel MacCormack's report? It was not. A thief, who stole an airplane! Was that mentioned in Colonel MacCormack's report? It was not. I am talking loud because I wish the world to hear what I have to say about this matter.

The records show that Grenier gave false testimony in applying for United States citizenship. He is a perjurer and a liar. Was that mentioned in Colonel MacCormack's report? It was not. Colonel MacCormack was called upon by a resolution of the House of Representatives to give to the men who make the laws of this great country the facts, the truth, the whole truth, and nothing but the truth; and he has practiced deception upon my friends here and my friends in the other body by withholding the truth, which is sometimes worse than distorting the truth.

I hope that is all about George. I do not see how he could be any worse. He deserted his army; he deserted his country; he stole an airplane; he committed perjury; he lied.

Oh, my! The records show that he was convicted of a bastardy charge, and that he admits certain relations with various and sundry other people. I am not going to read all about that; it is too bad.

The Department kept this thief, this perjurer, this deserter here. They say he ought not to be deported. The only reason in the world why we ever let immigrants into this country, Senators, is for the benefit of the country. We do not admit imimgrants for the benefit of the immigrants, but the idea is to let immigrants into the country to benefit the country. How is it going to benefit the country to let a man like that stay here? Nobody would dare say that man should be left here because he would contribute to the moral uplift, or the physical development, or the inspiration of the younger people who are coming on—a deserter, a thief, a perjurer!

This is what the Department's records say—I copied this information out of the records:

The decision in the case of Grenier, judging by the files of the Department, rests to a great extent upon a report—

Listen—

submitted by the Immigrant's Protective League.

Overnight I hope you gentlemen will find out something about the Immigrant's Protective League. If you do not find out, I shall make it my business to tell you something about them; but it is easy for you to look them up and see what they are doing. They have recommended that there be kept in this country, as an inspiration for the present youth of the land and those who are to follow, a man who is a perjurer, a deserter, and a thief.

Why, here is something more about George.

Grenier, according to the records, made two illegal entries. He not only slipped in here once in violation of law but he slipped in here twice, his first arrival being dated back in 1919. At that time he came into the country—why, listen to this, Senators—he did not just slip over the border. He did not just jump ship. He did worse than that. Listen to what he did: At that time he came into the country under false papers which he had purchased.

My heavens, Senators! Are you going to say that a man who turned his back on the country of his birth, under whose flag he had enjoyed protection; a man who stole an airplane, who is a perjurer and a thief; a man who went so far as to purchase false papers to get into this country; and a man who, in addition to that, violated the laws the second time to get into this country, is a man whom you want here as an example for yours sons and daughters and the younger generation who are growing up, looking for inspiration from the legislators of the country?

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. REYNOLDS. I yield.

Mr. McKELLAR. I am curious to know the present status of these 2,862 aliens. Are they detained? Are they in jail? Are they out on bond?

Mr. REYNOLDS. Some of them have been released on their own recognizance; that is to say, without bond. Some of them have been required to give a very small bond, which they can skip. I dare say that if there were an effort made to round them all up tomorrow not half of them could be found, because experience has shown that to be the case.

George and Goldborn and these other fellows are waiting for us here to pass a law saying that they are people of good character and that their presence here will contribute something to the United States. Let us see if there is anything else about George.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. REYNOLDS. I gladly yield.

Mr. DAVIS. I wanted to ask the Senator whether in his travels around the world he has found that any other country has been as generous to aliens as the United States has been?

Mr. REYNOLDS. I consider myself as fortunate in having been provided the opportunity from time to time, in a sense, to travel on all the continents of the world, and many of the countries on the continents of the world.

Mr. SCHWELLENBACH. Mr. President, will the Senator permit me to interrupt right there?

Mr. REYNOLDS. I yield.

Mr. SCHWELLENBACH. I am merely trying to get at the facts. The testimony before our committee, as given by Colonel MacCormack and other representatives of the Department, was to the effect that the United States was the only nation in the world which did not permit an administrative department the discretionary right to pass upon cases of this kind. Does the Senator from Pennsylvania know whether that statement is correct?

Mr. REYNOLDS. I may state that I am providing myself with data upon that subject.

Mr. DAVIS. I may say, if the Senator from North Carolina will yield, that if I should go to the town in which I was born I would not be in that town 15 minutes before I would be notified that I must appear before one of the agents of the minister of labor in order that he might ascertain how long I intended to be there, and whether I intended to seek work; and if I were fortunate enough to secure work, I would not get my coat off before the minister of labor would come and tell me that I had better be going back to the country of which I was a citizen.

Mr. SCHWELLENBACH. Mr. President, will the Senator from North Carolina yield again?

Mr. REYNOLDS. I yield.

Mr. SCHWELLENBACH. That may be true, but we are here considering a specific proposition, the right under the law of an administrative department to have the discretion to pass upon this type of cases, and it seems to me the important thing in discussing this question, and making comparisons with other nations, is to find how other nations pass upon this precise question, so long as we want to make a comparison.

Mr. REYNOLDS. The Senator is exactly correct, and I am indeed very happy that he made the point, because I know something about that, and I have some material upon it, some data I have gathered; and in the course of my argument pertaining to this matter, which is of more importance than anything else, perhaps of more importance to those who may soon be called upon to fill our shoes, I shall be very happy to provide the Senator with any information I may have in my possession on that very pertinent question.

Mr. BONE. Mr. President, will the Senator yield to me?

Mr. REYNOLDS. I yield.

Mr. BONE. I was called out on business this afternoon and was denied the privilege of hearing most of the Senator's speech. I assume it is his purpose to offer his bill as a substitute for the pending bill, and I wonder whether he can now tell me, so that I may have the picture clear in my mind as the argument proceeds, whether or not the grounds for expulsion from the country provided in the so-called Reynolds bill and in the Kerr-Coolidge bill are practically identical, and whether the difference between the two bills is largely in the procedure set up, and in removing the discretionary power from a departmental official which is given in the Kerr-Coolidge bill.

Mr. REYNOLDS. They are precisely dissimilar, and in further argument I shall compare the two bills, and I propose to dissect each section of the Kerr-Coolidge bill and explain the Reynolds-Starnes bill.

Mr. BONE. I note in the bill the Senator sponsors that the President is given authority, in the event he formally declares an emergency to exist, to take into custody all aliens subsisting upon public or private relief and deport them forthwith to the countries of their origin. In connection with that provision I should like to ask the Senator whether he has any figures showing the number of aliens in this country who are on public and private relief.

Mr. REYNOLDS. I am glad the Senator brought that to my attention. If the Senator will be good enough to let me answer that in detail as soon as I have finished the case of George Grenier I shall be obliged to him, because I am afraid that if we enter into a discussion of the Senator's question now those who read the RECORD will not be able to carry George in their minds as I want them to do.

Mr. BONE. Border lines in Europe have been obliterated as a result of the World War, and it occurred to my mind just now that the matter of determining citizenship might present some difficult questions, if not irresistible barriers in the way of enforcement of the law, because a man might have been a Russian citizen, and now be a subject of Lithuania, or some other of the border countries which were created.

Mr. DAVIS. The country which took over the particular territory from which an alien came is the country to which he is usually deported.

Mr. BONE. When the Senator from North Carolina makes the explanation I should like to have him make clear, if he knows—possibly he has examined that phase not only of the law, but that phase of the controversy which might inevitably arise in the operation of the law—what might happen if those countries refused to accept these people. They cannot hang suspended in midair, like Mahomet's coffin; we have not a Devils Island to which to send them; and what would happen if other countries refused to accept them? Where would we send them and what would be done? Here is almost a Draconian code. It is an iron-clad provision, with no exceptions, and I am wondering whether the Senator has made plain or could make plain what we should do.

Mr. REYNOLDS. I have given considerable thought to that.

Now, Mr. President, I understand there is a desire that we conclude the session for today.

Mr. McKELLAR. Mr. President, before the Senate adjourns, I should like to ask the Senator from Pennsylvania a question. Do other countries, from which Americans have to be deported, pay for their deportation?

Mr. DAVIS. Yes.

Mr. McKELLAR. About what does it cost the United States to deport aliens each year?

Mr. DAVIS. We used to figure about $100 a person.

Mr. REYNOLDS. Mr. President, in order that my line of thought may not be broken, I desire to read one paragraph, and then I shall be very happy to defer my argument, in accord with the suggestion made to me, with the understanding that I may have the floor tomorrow.

I was speaking of Mr. George Grenier. According to the records, he made two illegal entries into this country, his first arrival being in 1919, and at that time he came into the country under false papers which he had purchased. He was ordered deported to France in 1932, a country from whose army he had deserted, but he managed to keep from being deported, and eventually his deportation warrant was canceled, at the suggestion of the board of review of the Department of Labor, which gave considerable weight to the report of the welfare agency which examined his history.

One of the moving considerations which led the welfare agency in its report to recommend leniency in the case of Grenier was that if he should be returned to France he would face court martial.

REGISTRATION OF LOBBYISTS

Mr. ROBINSON. Mr. President, on the 28th day of May 1935, the Senate passed Senate bill 2512, to require registration of persons engaged in influencing legislation or Govern-

ment contracts and activities. The bill went to the body at the other end of the Capitol. On the 27th of March 1936, that body passed House bill 11663, relating to subjects closely analogous to those dealt with in the Senate bill which I have described.

The House bill is on the Vice President's desk; and I ask that the Vice President lay it before the Senate in order that I may make a motion to proceed to its consideration.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, which will be read.

The bill (H. R. 11663) to require reports of receipts and disbursements of certain contributions, to require the registration of persons engaged in attempting to influence legislation, to prescribe punishments for violation of this act, and for other purposes, was read twice by its title.

Mr. AUSTIN. Mr. President, I am informed that the Senator from Oregon [Mr. McNARY] does not object to this procedure.

Mr. ROBINSON. The Senator is correctly informed.

Mr. AUSTIN. And, representing him here now, I do not object.

Mr. ROBINSON. I ask the Senate to proceed to the consideration of the House bill.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Do I understand that is the antilobbying bill?

Mr. ROBINSON. Yes.

Mr. COUZENS. Does the Senator intend to have the bill taken up tonight?

Mr. ROBINSON. My intention is to substitute the text of the Senate bill for the text of the House bill by way of amendment, and then ask for a conference.

Mr. COUZENS. And then ask for a conference?

Mr. ROBINSON. Yes.

Mr. COUZENS. But there is no intention tonight to do other than provide for a conference?

Mr. ROBINSON. That is all I could do.

Mr. COUZENS. I do not wish to have any bill passed tonight. I wish to object to any bill being passed tonight. There may be a controversy with respect to the bill which passed each House, and I wish to know where that difference of opinion is to be straightened out. I should like to have it straightened out at some other place than in conference.

Mr. ROBINSON. It cannot be straightened out at any other place than in conference.

Mr. COUZENS. Then I shall object to the substitution.

Mr. ROBINSON. Mr. President, I think the Senator should give some consideration to the matter.

The Senate, as I stated, passed its bill last year. The House agencies did not take up the Senate bill. They proceeded on an entirely different bill—a House bill. The House passed that bill. Now the Senate and the House bills have crossed each other, and the only way to get legislation is to pursue the course I am suggesting.

If anyone wishes to defeat legislation on the subject, it may be accomplished by preventing consideration of the House bill. I think the Senator from Michigan does not wish to do that. My motion would, in effect, substitute the Senate bill for the House bill. We considered the Senate bill at length, and I think it is entitled to consideration in conference.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. COUZENS. I should like to have the House bill go to the same committee which handled the so-called Black bill, and let them consider it and report it back to the Senate. In other words, we do not have an opportunity through this procedure to learn of the differences between the two bills and to pass upon them independently. In view of the fact that the House bill has been on the Vice President's desk for quite a considerable time, it seems to me the proper procedure would be to refer the matter to the same committee which handled the Black bill, and let the committee report back to the Senate.

Mr. ROBINSON. Suppose the Senate committee should take the course that the House committee took. Some of these days the Senate is going to quit yielding to the House in its policy of refusing to give consideration to Senate bills and passing entirely different bills on the same subject after the Senate bills are over there. I think the Senator from Michigan ought not to put himself and the Senate in the attitude of refusing to give the Senate an opportunity to have its bill considered by the body at the other end of the Capitol.

Of course, the request I am making is subject to an objection. I shall not make a motion at this time, however. I ask, if an objection is made, that the matter remain on the Vice President's desk, and at an opportune time I shall move to proceed to the consideration of the House bill.

Mr. COUZENS. Certainly, I shall have no objection to that. If the Senator wishes to proceed with the consideration of the House bill, I am fully in accord with that procedure.

Mr. ROBINSON. I asked that that be done.

Mr. COUZENS. But the Senator wishes to substitute another bill and have it go to conference. I am not willing to have that procedure followed.

Mr. ROBINSON. The Senate passed the bill which I am asking to substitute for the House bill. The Senate had its opportunity to consider that bill, deliberated on it, and passed it. Now the Senator from Michigan wishes to have us consider it a second time; and I suppose if we should consider it and pass it as a Senate bill and send it over to the House, and the House should pursue the course that it did in this instance, he would wish to have the Senate consider it a third time.

The only way a Senate bill can have consideration is by the course I am suggesting. I ask unanimous consent for that action.

The VICE PRESIDENT. The Chair understands that the Senator from Arkansas asks unanimous consent that the House bill be considered and then will ask that the Senate bill be substituted for the House bill.

Mr. ROBINSON. Yes; I shall move to strike out all after the enacting clause in the House bill and substitute the text of the Senate bill therefor.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. COUZENS. I object.

The VICE PRESIDENT. Without objection, the bill will continue to lie on the table.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Claude C. Badeaux to be postmaster at Garden City, La.

The VICE PRESIDENT. The report will be placed on the Executive Calendar. If there be no further reports of committees, the first nomination in order on the calendar will be stated.

PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. ROBINSON. I ask unanimous consent that nominations in the Public Health Service on the calendar be confirmed en bloc.

The VICE PRESIDENT. Without objection, nominations in the Public Health Service are confirmed en bloc.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Saturday, April 4, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3 (legislative day of Feb. 24), 1936

PROMOTIONS IN THE PUBLIC HEALTH SERVICE

TO BE ASSISTANT SURGEONS

John W. Hornibrook	Eric C. Johnson
Roger E. Heering	Erwin C. Drescher
Seward E. Miller	Marion B. Noyes
Hugh L. C. Wilkerson	John B. Hozier
Robert H. Felix	Michael J. Pescor
John E. Dunn	Jonathan Zoole
Floyd A. Hawk	William E. Graham
John R. McGibony	Virgil J. Dorset
Jonathan B. Peebles, Jr.	Earl L. White
Charles F. Blankenship	Curtis R. Chaffin
Edgar W. Moreland	Paul T. Erickson
Eugene A. Gillis	Eugene W. Green
Henry A. Holle	Robert F. Martin

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 3, 1936

The House met at 12 o'clock meridian.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who alone gavest us the breath of life and alone canst keep alive in us the holy desires Thou dost impart, we beseech Thee, for Thy compassion's sake, to sanctify all our thoughts and endeavors that we may neither begin an action without pure intention nor continue it without Thy blessing. And grant that having the eyes of the mind open to behold things invisible and unseen we may in heart be inspired by Thy wisdom and in work be upheld by Thy strength, and in the end be accepted of Thee as Thy faithful servants. Let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Horne, its enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1424. An act to amend the Packers and Stockyards Act, 1921.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11691) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1937, and for other purposes."

INVESTIGATION OF LOBBYING ACTIVITIES

Mr. COX, from the Committee on Rules, by direction of that committee, filed a report to accompany House Resolution 475, which was referred to the House Calendar and ordered printed.

The resolution is as follows:

House Resolution 475 (Rept. No. 2366)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 234, joint resolution authorizing the Senate Special Committee on Investigation of Lobbying Activities to employ counsel, in connection with certain legal proceedings, and for other purposes, and all points of order against said joint resolution are hereby waived. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

APPOINTMENTS IN THE NAVAL AVIATION SERVICE

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two different subjects.

The SPEAKER. Without objection, it is so ordered.

Mr. MAAS. Mr. Speaker, when aviation was quite new in the Navy and most of the naval aviators were junior officers, it became necessary to train as pilots and observers a number of high-ranking officers for command purposes.

It was never intended that this practice should be continued, and at the time that the Navy Department first explained to Congress the necessity for qualifying a few such high-ranking officers, Congress was assured that by the present time the need would have disappeared. Yet the Navy Department keeps right on sending senior captains and commanders to Pensacola. Here they are made "Mex" aviators, and then placed in command of and give orders to real naval aviators who grew up in and made naval aviation.

There are today a sufficient number of naval aviators of every rank with more than 10 years' experience as pilots to command every naval air shore station and all of the present and future airplane carriers and tenders. Therefore there is no need to place in command of these vital national-defense forces of the air any officer who has not had at least 10 years' active experience as a qualified pilot. To select high-ranking line officers, send them to the Pensacola Naval Air Training Station, and give them wings—because that is just what is done; the wings are a present to such officers—is making a mockery of the law that requires trained aviators for the command posts.

It is in spirit and effect a violation of the intent of the law and rank favoritism. It destroys the morale of the younger officers who enter aviation in the Navy as a career. After years of arduous duties as pilots, during which time they are required not only to keep up with the advancements and progress of aviation, but also to pass all the professional examinations of their brother line officers, these aviators expect command posts, only to be shoved aside by seniors who are hurriedly rushed through Pensacola, labeled pilots, and given all of the best aviation commands.

Such officers of necessity know very little about aviation, and nothing from experience of the problems of actual aerial combat. Most of them could not even fly airplanes let alone lead a massed flight of planes. Yet it is these officers who are given the high command of our combat naval air forces. We place not only the success of our aerial defense of the Navy but the very lives of our real pilots in the hands of officers who know nothing about the duties for which they are given command.

The actual pilots know that they are being ordered into the air and their maneuvers planned by officers who do not understand what they are ordering or planning.

This hardly makes for the high order of morale which is so essential in any military operation, especially in the air. Permitting aviation to be dominated by men who are not real airmen retards progress and threatens the ultimate success of our naval air operations.

The theory of the bureau chiefs is that naval officers must progress to the command of large ships by commanding small ones first and then, step by step, the larger ones up to the biggest. This is good logic. But how much more important is this for the command of great armadas of airplanes.

Here the course of command experience must be by the same parallel. A pilot must first learn to fly in a wing position, then to lead a section, and later a division of airplanes before he can hope to lead a squadron or a wing organization.

The bureau chiefs would be the first to protest against giving command of a battleship to an outsider after only a 9 months' course at Annapolis.

Yet that is exactly what they are now doing in aeronautics.

No one would think of permitting an officer to command a capital ship without years of previous training and experience at sea. So, too, no one should be permitted to command our vitally important naval air units, afloat or ashore, without years of experience in aviation.

To see that this common sense principle is carried out in the future I have introduced a bill to restrict command of airplane carriers, tenders, and naval air stations to aviators and observers of not less than 10 years' experience as qualified naval aviators or observers. This bill, if enacted into law, will make mandatory the carrying out of the intention and policy of Congress in this respect.

THE W. P. A. PROGRAM

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a communication from the United States Conference of Mayors and resolution adopted March 23, 1936.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter and the resolution adopted at the United States Conference of Mayors referred to therein:

UNITED STATES CONFERENCE OF MAYORS,
Washington, D. C., March 24, 1936.

Hon. RICHARD RUSSELL,
Member, United States House of Representatives,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: Last Saturday the United States Conference of Mayors held a regional meeting of most of the New England mayors at Boston. The attached resolution, dealing with the W. P. A. program, was unanimously passed. On behalf of the New England mayors in attendance at the Boston meeting I am asking that you insert this statement in the CONGRESSIONAL RECORD.

Thanking you very kindly, I am,
Sincerely yours,

PAUL V. BETTERS,
Executive Director.

RESOLUTION ON W. P. A., UNANIMOUSLY ADOPTED AT BOSTON NORTHEASTERN REGIONAL MEETING OF UNITED STATES CONFERENCE OF MAYORS, MARCH 21, 1936

Whereas we have met in formal sessions of the northeastern regional section of the United States Conference of Mayors and have received first-hand reports from the chief executives of the cities of Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, New York, and New Jersey with regard to the pressing problem of caring for the unemployed needy in these communities; and

Whereas these reports have revealed that although there has been an evident improvement in general business conditions, still the numbers on relief and in need of aid have not been substantially reduced; and

Whereas the present W. P. A. program has been productive of useful and constructive works of lasting benefit and permanent value to our communities; and

Whereas considerable alarm has been felt over the announced reductions in W. P. A. quotas: Now, therefore, be it

Resolved as the consensus of the northeastern regional section, That the president and executive committee of the United States Conference of Mayors be instructed to continue their efforts to insure an extension of the W. P. A. program, which is absolutely essential to provide adequate care and assistance for the unemployed employables of our Nation. It is the hope of this group that industry will absorb much of the surplus labor during the coming months and lessen the problem of relief, but until such does take place we must carry on as in the past. In this connection we authorize the president and executive committee to place at the disposal of private industry all the informational facilities of the conference of mayors in any plan which industry may develop in accordance with the message of President Roosevelt on March 18 to effect increased employment during the coming months: Be it further

Resolved, That it be recommended to the Works Progress Administrator that W. P. A. quotas be not reduced except as workers are actually placed in other jobs.

Major cities in New York, Massachusetts, Connecticut, Maine, Rhode Island, Vermont, and New Hampshire represented.

OUR AIRCRAFT AND ALLIED INDUSTRIES ARE LOCATED AS TO BE VULNERABLE TO ATTACK

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter addressed by me to the President.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter to the President of the United States in which I call attention to the need for a careful study of the location of our aircraft companies to the end that there be a development in the interior sections of the country. Similar communications were sent to Hon. JOHN J. MCSWAIN, chairman of the House Military Affairs Committee, and Hon. CARL VINSON, chairman of the House Naval Affairs Committee, and Eugene Vidal, Director of Air Commerce for the United States:

MARCH 30, 1936.

Hon. FRANKLIN D. ROOSEVELT,
President of the United States,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: During an address on the floor of the House of Representatives on March 13 I stated the following: "In this Nation practically every concern manufacturing aircraft is located upon the coasts of the United States, and, due to the danger from attack, we should give serious consideration to the need for aircraft development inland."

Since that time I have been making a further study of the facts in this connection. I find that factories for the manufacture of planes and bombers, ordnance and rifles, are concentrated in the seaboard States, and are, therefore, left open to destruction by a hostile airplane carrier, perhaps hundreds of miles at sea. I have found that the Pratt & Whitney Aircraft Co. and the Wright Aeronautical Corporation are open to attack, since they are located at Hartford, Conn., and Paterson, N. J. It is not a far-fetched assertion when I say that a fast bomber could bring destruction to both these factories within an hour. Not far from the coast is the Lycoming Manufacturing Co., at Williamsport, Pa., which manufactures engines and propellers. The Menasco and Kinner companies are located in Los Angeles, Calif.

We find the Glenn L. Martin aircraft factory near Baltimore; the Seversky and the Grumman Aircraft Corporation at Farmingdale, Long Island; the Sikorsky Aviation Corporation situated at Bridgeport, Conn.; and the Chance Vought Aircraft Corporation in Hartford, Conn. The picture is even more graphically brought to our attention on the Pacific coast, with the Lockheed, Douglas, Vultee, and Northrop companies at Los Angeles, Calif.; the Consolidated Aircraft Corporation at San Diego; and farther north at Seattle, Wash., is to be found the Boeing Aircraft Co., builders of bombers which are recognized as among the best.

In contrast we find that only the Great Lakes Aircraft Corporation in Cleveland, Ohio, produces fighting planes in any quantity among those situated in the interior. There are three commercial factories at Wichita, Kans., and the Stinson Aircraft Corporation in Detroit.

I have ascertained also the further fact that our manufacturers of firearms are concentrated on the coast. There are three companies in Massachusetts; namely, the Johnson's Arms & Cycle Works at Fitchburg, the Stevens Arms Co. at Chicopee Falls, and Smith & Wesson's in Springfield. In Connecticut we find five companies, New Haven having Mossberg & Sons, Colt's Patent Arms Manufacturing Co., the Winchester Repeating Arms Co., and the Marlin Firearms Co., while in Bridgeport we find the Remington Arms Co. Coming down to Pennsylvania, which is only slightly better protected than the above-mentioned States, we find our largest producer of firearms, the Bethlehem Steel Corporation at Bethlehem. Also, the manufacture of explosives and war chemicals is concentrated in the Wilmington, Del., territory.

I feel justified at this time, therefore, in calling your attention to the need for a careful study with the thought in mind of establishing in the interior and more inaccessible sections of the United States our plants for the manufacture of aircraft, engines, firearms, explosives, and chemicals because the picture today is decidedly different than it was even 5 years ago.

Sincerely yours,

JENNINGS RANDOLPH.

STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS APPROPRIATION BILL, 1937

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12098) making appropriations for the Departments of State, and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1937, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HARLAN in the chair.

The Clerk read the title of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Envoy Extraordinary and Minister Plenipotentiary to the Netherlands, $12,000.

Mr. ELLENBOGEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to address the House on the provisions of a very important piece of legislation which is being introduced today by Mr. WAGNER in the Senate and by myself in the House.

The United States housing bill is the culmination of a long period of experimentation, surveys, thought, and united effort on the part of all groups and individuals interested in finding some solution for the housing problem. We have moved slowly, because the problems involved are so serious and complex that no hasty or partial solution will do. But we now present this bill in the full conviction that it will meet with the approval of all who seriously desire to improve the living conditions of that section of the population otherwise doomed to live in the slums, and of all who understand that our future economic well-being is largely dependent on permanent revival and a greater degree of stabilization in the building and allied industries.

In its very essence this is nonpartisan legislation. Housing is not a new idea in America. The national housing policy outlined in this bill has been built up bit by bit and year by year from the knowledge and understanding gained in this country over the past generation.

The necessity for a concrete and permanent low-cost housing program was recognized in Mr. Hoover's administration. The committee on large-scale operations of Mr. Hoover's conference on home building and home ownership reported that "the houses of the country constitute our largest mass of obsolete and discredited equipment." They pointed out that "new houses of acceptable standard of living are too expensive for two-thirds of the population", and they showed that "the present break-down in the financing, construction, and distribution of homes is more than a temporary or emergency situation", and therefore requires more than emergency measures for its solution.

The awakened local interest in the housing problem today knows no party lines. What other issue can you find in which local governmental officials, both Democratic and Republican, social agencies, labor, consumer organizations, and the capital goods industries are all united in seeking public action?

The adoption of a sound national housing policy will be the crowning point of the first 4 years of the Roosevelt Administration. Talk and experiment can now be translated into concrete achievement. The President has said—

> We are working toward the ultimate objective of making it possible for American families to live as Americans should.

Here is an economical, efficient, and comprehensive method of taking one real step in this direction.

In the first place the bill sets up a permanent United States housing authority. Permanent local housing authorities of a similar type have already been established all over the country. But they are attempting the impossible, as long as the Federal agencies, from whom they seek necessary assistance, exist only from day to day, on a precarious and temporary basis. Where there are no local housing authorities as yet, there are active and organized groups of citizens who are impatiently waiting only for a permanent national policy before establishing suitable local machinery to carry out a program of low-rent housing and slum clearance. The provisions in the Wagner-Ellenbogen housing bill were framed with the direct collaboration and assistance of such local authorities and groups of citizens.

There are two essentials in a sound piece of national housing legislation. First, it must be flexible enough to meet varying local conditions and needs. No single "solution" handed down from Washington will do in a country as broad and complex as ours. On the other hand, definite checks and limitations and standards must be established to insure that Federal aid really accomplishes what it is supposed to accomplish—namely, the provision of decent living quarters for low-income families and the elimination of slum living conditions. In our opinion, and in the opinion of the numerous and diverse individuals, experts and agencies who have collaborated in its formulation, the United States housing bill achieves this difficult feat.

Loans will be made to local public housing authorities and limited-dividend companies. And grants may also be made, to authorities only, where necessary in order to bring rentals within reach of low-income families in need of housing.

Actual construction and operation will be carried out by local agencies, subject to certain conditions. The most important condition is that such housing projects must be reserved for low-income families who are entirely outside the private building market. There is therefore a permanent guarantee that these dwellings will not compete with the ordinary activities of private enterprise. They will merely extend the market for the products of the building industry and the labor of building mechanics into a hitherto untouched field. In certain special cases, where no local authority has as yet been established, but where there is both proved need and representative demand, the Federal agency may itself undertake construction, pending sale of the project to suitable local agencies.

The financial provisions have been very carefully worked out to provide a maximum of accomplishment with a minimum of public expenditure. An appropriation of $51,000,000 is asked for the first year, and authorizations for ensuing years up to $100,000,000 for the first year and not more than $150,000,000 for each of the succeeding 3 years. The Authority is authorized to borrow $100,000,000 from the Reconstruction Finance Corporation in the first year, which may make a special bond issue unnecessary.

Compare these reasonable appropriations and financial measures, every cent of which will go into direct construction, with the funds made available to the Home Owners' Loan Corporation, almost entirely for refinancing, or with outright expenditures for relief and other emergency measures which bring no future return and leave no permanent addition to the wealth of the country. The money spent under the United States housing bill will build monuments which 50 years hence will still give concrete evidence that the Congress of 1936 was an enlightened and forward-looking body.

These public funds will, moreover, serve to draw idle private funds into an entirely new field of sound and needed investment. A false distinction is often made between "private" and so-called "public" housing—as if all public-aided housing had to be constructed entirely with public funds. As a matter of fact, through the unguaranteed bonds of local housing authorities, and through equities in limited dividend companies as well as through investment in United States Housing Authority bonds, a large amount of private money will be drawn into a new and highly productive enterprise. Thus, and only thus, can the great building industry and its allied businesses begin to be transformed from a "luxury trade", serving only the richest third of the population, into a stable industry serving the interests of the mass of consumers. Only thus, also can steps be taken to alleviate, if not to avoid entirely, the terrible shortage of any kind of housing which is rapidly descending on us today.

There will, of course, be opposition. But the argument will not be quite the same old familiar left-right line-up. Rather will it be a line-up between that vast majority of the citizens of the United States and their elected representatives who want to put both the production and consumption of our national resources on broader and more stable basis, and the small handful who for their own selfish reasons are opposed to any truly constructive activity. [Applause.]

Mr. FULMER. Mr. Chairman, on yesterday I had the privilege of attending a hearing before the Senate Agriculture Committee, where an investigation is being made by that committee of the operations of the cotton exchanges and the cause of a 2 cent per pound drop in the price of cotton sometime ago.

I had the privilege of listening to a statement made by the ex-president of the New York Cotton Exchange. While I agree with a number of statements made by this gentleman, I disagree with him in his statement wherein he stated that speculation, and a lot of it, was very helpful to farmers in securing a better price for their cotton. After making this statement the gentleman proceeded to lambast Anderson, Clayton Cotton Co., of Texas, for certain transactions on the New York Cotton Exchange during the months of May and July in 1929. Now, Mr. Clayton was doing exactly what

the ex-president of the New York Cotton Exchange stated would be good for farmers—that is, speculating—and on a large scale.

He stated that in May Mr. Clayton was long several hundred bales of cotton; in other words, was in a position to dominate the price of cotton. In July he stated that Mr. Clayton sold short over 900,000 bales of cotton, which, naturally, would have a tendency to depress the price of cotton, all of which certainly would not be helpful to farmers. Now, you will notice that both of these transactions were in May and July.

Those of us here who represent cotton farmers know that putting the price of cotton up in May or down in July does not do them any harm or any good, in that farmers sell very little cotton during this period of the year.

I contend that the investigation that is now going on for the purpose of ascertaining just why cotton had a 2 cent per pound drop in 1 day is just like putting that much money in a rat hole. Congress is long on taking the taxpayers' money for various and sundry investigations while Congress is in session and during the adjournment of Congress; 99 times out of 100 these investigating committees, largely composed of Congressmen and Senators, are unable to accomplish much in remedying the situation complained of or investigated.

Those of us who have bought and sold cotton and who have had any dealings on the cotton exchanges of the country realize the cause of the wild speculation referred to by the ex-president of the New York Cotton Exchange in the case of Anderson, Clayton Co.

Under the Cotton Futures Act a section was written in the act whereby buyers of cotton would have an equal opportunity in doing business on the cotton exchange with the seller. Speculators refuse to use this section. However, another section was written in this bill giving the seller of cotton all advantages over the buyer. That is, suppose I buy on the New York Cotton Exchange 1,000 bales of cotton for July delivery. When July arrives I call for the cotton and request that it be delivered at Charleston, S. C., one of the southern delivery points.

Under the section just referred to, the seller has the right to deliver to me the cotton, the 1,000 bales, of any one of the tenderable grades and can state that he will deliver you this cotton at a delivery point in Texas or several other southern delivery points. Naturally, the buyer is unable to use all of these 1,000 bales of one grade and, certainly, wanting to use this cotton in South Carolina, could not accept delivery in Texas or any of these other delivery points.

Mr. Clayton, when he sold these 900,000 bales short on the New York market, perhaps not having a single bale of actual cotton on hand, knew at the time that he could force a paper settlement by the procedure just mentioned and, therefore, would not have to deliver the actual cotton.

If the Congress will amend the Cotton Futures Act, repealing the section referred to, that gives the seller all of these advantages, and place in the bill and amendment placing the buyer on an equal basis with the seller—that is, permitting him to write into the contract at least half of the number of bales of the grades that he would want, permitting the seller to deliver the other half in grades that he would like to deliver—you will be able to stop Mr. Clayton and others from the type of speculation referred to by the ex-president of the New York Cotton Exchange.

Now, why do I say this? Suppose the buyer had the right under the amendment just referred to, which would give the buyer the right to demand the actual cotton. Mr. Clayton would think seriously before he would sell short 900,000 bales of cotton, for the reason that he would be unable to know whether or not he would be able to go on the market and buy this cotton for the purpose of filling his contract. In the next place, in calling the actual cotton, forcing the seller to have on hand the amount of cotton sold or forcing him to go on the market and buy the cotton in question, naturally would bring about a demand for cotton and certainly would advance the price of cotton.

I tried to place such an amendment in legislation in my committee some 3 or 4 years ago proposing to amend the Cotton Futures Act, but the speculators are absolutely against the amendment, stating that it will destroy speculation, all of which will be harmful to farmers in securing a fair price for their spot cotton.

If Congress will write in this amendment and also write into the legislation designating certain southern delivery points, permitting the buyer of cotton to write into the contract the point where he wants the cotton delivered, and at least 50 percent of the quantity of cotton bought of grades that he could use either in his mill or on the market, permitting the seller to designate the grades of the other 50 percent, we will then be able to curb wild speculation and fluctuations of such as a drop of 2 cents per pound in 1 day.

The ex-president of the New York Cotton Exchange referred to the holding of cotton on the part of the Government under the program of trying to assist farmers in receiving a fair price, stating that it was a mess. The only difference between the Government's transaction and that of Anderson, Clayton Co. is that the Government is doing a legitimate business, representing the farmers, and having in its possession the actual cotton, while Anderson, Clayton, in connection with the transaction referred to, was speculating without having a bale of cotton in their possession and when the transaction had been closed, it was all on paper, and not a single bale of cotton passed through the hands of anybody.

The day that cotton dropped 2 cents per pound, a loss of $10 per bale, I understand it was all brought about by a rumor put out by those interested in selling the market short for the purpose of making millions.

I am sure if the Senate committee will investigate the transactions on that date they will find that the selling and buying was all on paper, and not a single bale of actual cotton entered into the transaction.

I gathered from the remarks of the ex-president of the New York Cotton Exchange that it would be very helpful if the Government would let it be understood that the cotton that they now have on hand would not be sold until a certain price was reached, and it appears that he had in mind 15 cents per pound. If the Government should make such a statement, and I am for it, speculators would not do anything but buy the market, and in less than 30 days cotton would be selling for 15 cents per pound.

The gentleman also stated that there was very little business going on on the cotton exchange at this time, all because speculators and traders in cotton were without any definite information as to just what the Government was going to do with the cotton that they now have on hand. In other words, the speculators are hesitating because of what the Government is doing, and perhaps on account of what the Government may do, in handling this cotton.

Prior to the inauguration of President Roosevelt on March 4, 1933, the Government was not holding any cotton, neither did the Government interfere with speculators and cotton traders, and, apparently, there was quite a lot of business going on on the exchanges. However, cotton at that time was forced down to 5 cents per pound, while today farmers are actually selling cotton at 12 cents per pound. I note that the gentleman stated that farmers were receiving about 10 cents per pound for cotton at this time. I beg to differ with the gentleman for the reason that I sold cotton this week in my district to a country cotton buyer for 12 cents per pound.

The chairman of the Agriculture Committee, Senator SMITH, whom I admire, and whom the people of South Carolina admire, stated on yesterday that the type of speculation referred to by the ex-president of the New York Cotton Exchange should be curbed by placing a limitation on long and short selling.

Out of all the legislation passed by the Congress, most of it highly recommended by those who have charge of enforcing and administering the Cotton Futures Act, the situation complained of has not been remedied.

We passed a commodity-exchange bill in the House last year which was reported by the Agriculture Committee of the

House, of which I am a member, carrying a provision for putting a considerable curb on selling long and short, especially short selling, both on grain and cotton. I find that this bill has been reported to the Senate by the Senate Agriculture Committee with cotton stricken from the bill.

If the Senator from South Carolina is interested in curbing speculation of the type engaged in by Anderson, Clayton & Co., and others, cotton should be restored to the bill.

I am also hoping that those in the Senate who are interested in stopping speculation, the type that brings about a 2-cent decline in cotton in 1 day, will write into the bill the amendments suggested by me. I feel sure that if this is done and the bill returned to the House we will be able to keep these amendments intact.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; purchase and exchange not to exceed $50,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; purchase and exchange at not to exceed $7,000 each, and maintenance, upkeep, and operation, of not more than two armored automobiles; firearms and ammunition; such stationery, supplies, and equipment for use at the seat of government or elsewhere as the Attorney General may direct; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses of attendance at meetings concerned with the work of such Bureau when authorized by the Attorney General; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed $20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed $1,181,500 for personal services in the District of Columbia; $6,025,000, of which amount $100,000 shall be immediately available: *Provided*, That section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed the sum of $100.

Mr. McMILLAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. McMILLAN: Page 34, line 6, strike out the word "two" and insert in lieu thereof the word "four."

Mr. McMILLAN. Mr. Chairman, this merely provides for four automobiles for the Bureau of Investigation instead of two.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, on page 34, in line 14, I move to strike out the words "when authorized by the Attorney General."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 34, line 14, strike out the words "when authorized by the Attorney General."

Mr. BLANTON. Mr. Chairman, I am making this pro-forma amendment in order to call to the attention of the Attorney General of the United States and to the prosecuting officers here that there is a bunch of lawyers in Washington who are continually committing the crime of barratry—soliciting law business from people.

A distinguished citizen died here the other day, and, as is the usual practice with some of these lawyers who are committing barratry, the firm of William Fletcher & Co., composed of John L. Fletcher and John R. Fletcher, on the letterhead of John R. Fletcher, lawyer, 600 F Street NW., Washington, D. C., wrote a letter to the widow of the deceased and said, in effect:

"We note your husband has passed away", and they said, "We are prepared to get you a pension from the Pension Bureau", and they told her that if she would fill out the application they enclosed and make them attorneys in fact, having the names stipulated in the application, "William Fletcher & Co., composed of John L. and John R. Fletcher", and would agree to pay them their fee, that they would get her the pension.

That is barratry. That soliciting of law business is nothing in the world but barratry, and it ought to be stopped. When the Government of the United States owes anyone a pension they do not have to employ a lawyer to get it. All on earth they have to do is to fill out a proper application to the Pension Bureau, which will be furnished by the Pension Bureau, and furnish the facts, and they do not need any attorney to do it. They do not have to pay out a cent in fees. They can get what is coming to them from the United States Government without expense. This damnable barratry ought to be stopped. They ought to quit imposing on people at a time when death comes and get these fees out of them.

I hope the prosecuting officers in the District of Columbia will stop this barratry.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. COLDEN. That custom prevails throughout many parts of the country aside from the District of Columbia.

Mr. BLANTON. Of course; and it ought to be stopped everywhere; but here we are in control. The Congress of the United States is in control of what goes on in the District of Columbia, and we are responsible for it.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BLANTON] has expired.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

TRAINING OF UNITED STATES ATTORNEYS AND OTHER OFFICIALS

Salaries and expenses: For salaries and expenses incident to the special instruction and training of the United States attorneys and United States marshals, their assistants and deputies, and United States commissioners, including personal services, supplies, and equipment in the District of Columbia, traveling expenses, including expenses of attendance at meetings when specifically authorized by the Attorney General, $35,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph beginning on page 38, line 17, ending on line 26, embracing the proposed appropriation of $35,000, because there is no law authorizing it and it is legislation upon an appropriation bill, unauthorized by law.

The CHAIRMAN. The Chair will hear the gentleman from South Carolina [Mr. McMILLAN] on the point of order.

Mr. McMILLAN. Mr. Chairman, this item is carried in the bill, I may say to the Committee, on the authority of law as we find it in section 317 of title V of the Code of Laws of the United States in force January 3, 1935, in which I find this language:

The Attorney General shall exercise general superintendence and direction over the attorneys and marshals in the districts of the United States and Territories as to the manner of discharging their respective duties—

And so forth. We take it that, in view of the language I have just read, the Attorney General would have discretion under this substantive law to provide for these men, marshals and district attorneys, and what not, to be brought to Washington for such a course of instruction or training as they may need. The purpose of this language is to make uniform a policy to apply to district attorneys and marshals throughout the country.

Mr. BLANTON. Mr. Chairman, that language in the statute read by the gentleman from South Carolina [Mr. McMILLAN] in no way embraces authority for "special instruction and training of United States attorneys and United States marshals, their assistants and deputies, and United States commissioners" and their trips to Washington. There is nothing in that language read by my colleague that embraces or authorizes anything like that. This is nothing in

the world but providing for junket trips, pure and simple, and such junket trips to Washington have been turned down by the Comptroller General in the past. I have some of the accounts in my office, certified to by his office, showing where he has turned them down because there is no authority of law. This $35,000 provision is an attempt to get around the Comptroller General of the United States.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The Chair is ready to rule. Does the gentleman from Massachusetts wish to address the Chair on the point of order?

Mr. McCORMACK. Not necessarily on the point of order, but I should like to ask the gentleman from Texas to yield, if he will.

Mr. BLANTON. Certainly I yield to my friend from Massachusetts.

Mr. McCORMACK. I just wish to make this observation: I do not think the gentleman means to let it remain in the RECORD that these are junket trips. I think what the Attorney General has in mind is something which is a very desirable objective, namely, to create uniformity throughout the country in the offices of the United States district attorneys. I know something about the objective of the Attorney General in this respect. It seems to me that, independent of the point of order, it should not be permitted to go into the RECORD, without an expression of view to the contrary, that this is nothing but a junket trip.

Mr. BLANTON. I will say to the gentleman that he has not given the attention to this matter that I have. I have gotten some of these accounts in the past from the Comptroller General's office, because it was my duty to look into those things as a member of this committee. I have found out where they have attempted to put these junket trips over and they have been approved by the Department of Justice, but when they reached Comptroller General McCarl he turned them down, and they were not paid out of Government funds.

The CHAIRMAN (Mr. HARLAN). The Chair is ready to rule on the point of order.

The question to be decided is the interpretation of the phrase, "special instruction and training", contained in this appropriation bill, the question being whether that phrase comes under the statutory authorization to the Attorney General in the section referred to by the gentleman from South Carolina [Mr. McMILLAN], section 317 of title 5, in which the Attorney General is authorized to exercise "general superintendence and direction" over the attorneys.

This section has been on the statute books certainly for more than half a century. So far as the records disclose, up to the present time there has been no attempt to organize or operate a school for instructing district attorneys under that authorization. There is very little in the decisions interpreting this phrase of the statute. In the case of *Fish* v. *U. S.* (36 Federal Reporter, 680), however, in a decision by the District Court for the Eastern District of New York, the court, by way of obiter, spoke as follows:

> The section no doubt confers upon the Attorney General power to superintend any criminal prosecution instituted by the district attorney, and to direct the district attorney in regard to the method of discharging his duties in any particular prosecution instituted by him. But it does not, in my opinion, authorize the attorney general to control the action of the district attorney in criminal cases by general regulations. The supervision and direction contemplated by section 362 must, as I think, be a particular instruction, given in a particular case, and based on the facts of the particular case. To hold otherwise would in many instances deprive the court of the aid of counsel, learned in the law, which is contemplated by the statute, and substitute in place of counsel a set of general regulations issued by the Attorney General; and in some cases the ends of justice would be defeated by such a practice. A general regulation of the Department of Justice that all district attorneys should in all cases refuse to consent to any postponement of a trial, should never admit a fact, should always move for the infliction of the extreme penalty of the law, would hardly be upheld. The statute must have some limit; and one proper limitation, as it seems to me, is to require, for the validity of any direction by the Attorney General in criminal cases, that it be made in a particular case, and with reference to the duties of the district attorney in that particular case.

If this decision is to be followed, there is no authority under present statutes for the Attorney General to operate a school for district attorneys.

The point of order is sustained.

The Clerk read as follows:

> Structural and mechanical care of the building and grounds: For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the act approved May 7, 1934 (48 Stat. 668), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances, and personal and other services, and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 and 3744 of the Revised Statutes (U. S. C., title 41, secs. 5 and 16), $55,000.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I wish to reply, briefly, to the remarks of my distinguished friend, the gentleman from Texas [Mr. BLANTON], and what I say is not in any sense controversial. The gentleman properly, within his rights, raised a point of order. I want, nevertheless, to express my personal opinion with reference to Attorney General Cummings, and what he has in mind in connection with affording opportunity to United States attorneys throughout the country, from time to time, to collaborate.

The Attorney General has been doing a very remarkable job. He has confined himself to the conduct of his own Department and has administered it and performed his duties in a very able and commendable manner.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Certainly.

Mr. BLANTON. The gentleman is no better friend of the Attorney General of the United States than I am, and I would defend him as quickly as would the gentleman if he were under fire, but he is not under fire. Nothing was at issue except a $35,000 legislative provision on an appropriation bill, and it is the duty of Congress to keep legislative items out of appropriation bills. I was merely doing my duty in upholding the rules of the House in keeping this improper legislative item out of the bill.

Mr. McCORMACK. As I have stated, Mr. Chairman, the gentleman from Texas was acting within his rights, so there cannot be any misunderstanding either directly or indirectly that I was undertaking to criticize the gentleman. I do want, however, to incorporate in the RECORD my personal view that had this item not been stricken from the bill on a point of order it was not the intention of the Attorney General to permit the money to be used for junketing purposes. In this respect the gentleman from Texas and I may honestly differ, and I am not going to make any remarks which could be construed as a criticism of the opinion he entertains. It is my intention to express my own opinion. It is my view that had this item remained in the bill, or if this item is restored in the Senate—and I hope it will be—the Attorney General will not permit it to be used for junketing purposes. Attorney General Cummings has commended himself, as my friend from Texas agrees, to all of us, irrespective of party, as a Cabinet officer who is trying to perform the duties of his own Department; and in his effort to perform his duties, which he is doing ably, has confined himself to his own Department, realizing that he has enough work to do in conducting the affairs of the great Department of Justice. If this item is restored in the Senate by way of amendment—which I hope will happen, and I hope the item will be increased to $50,000, which the Attorney General asked in the first place—the Attorney General will not permit the money to be used for any junketing purpose. Attorney General Cummings is one of the ablest and most conscientious men in the public service of today.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, in view of the statement of the gentleman from Massachusetts indicating that an effort is to be made to secure the reinsertion of this item in the Senate, I desire to outline briefly the reasons which prompted me as a member

of the subcommittee to oppose the insertion of this item in the bill as reported from the committee.

Those reasons had nothing to do with the Attorney General nor with the question of whether or not if the appropriation was made he would spend the money honestly and for the best interest of his Department. I think anyone who is acquainted with the Attorney General and his record of service will cheerfully give him credit for the best of intentions to use the utmost good faith in connection with the expenditure of the appropriation, if made. But my objection to the proposed appropriation is that these district attorneys have been selected presumably because of their eminence in their profession for the positions which they occupy, and it is to be assumed that men selected in this manner for positions of this high type are fully qualified to discharge the duties of these positions. There is an element of the ridiculous in suggesting that money should be appropriated from the Treasury of the United States to afford these men training and instruction. It is not only possible but probable if this procedure should be started in the Department of Justice that it would rapidly spread to other departments of the Government. In our committee the suggestion was made by one of the members that a similar training school be established for employees of the Bureau of Internal Revenue.

Mr. MICHENER. Will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Michigan.

Mr. MICHENER. Since it seems to be the policy of the present administration not to apply the civil service, and they are making these political appointments all the time, might it not be well to set up some school of instruction so that these people who are appointed may be able to properly function?

Mr. TARVER. In reply to the gentleman may I say I do not know that the policy as to civil service has been substantially changed under this administration from that followed heretofore. In my judgment, in the main it has not.

But without regard to that question I think it highly inadvisable to begin in one department of the Government a practice which we ought not consider spreading to all departments of the Government to afford training and instruction at public expense to employees or appointees who are presumably selected because they are well qualified in an effort to have them become qualified to discharge the duties for which they were selected.

Mr. BLANTON. Will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman from Michigan [Mr. MICHENER] knows that during 50 years of Republican administration there never has been one Federal United States district attorney appointed through the civil service. That is all bunk.

Mr. RANKIN. Will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Mississippi.

Mr. RANKIN. May I say to the gentleman from Michigan that if there ever were any who needed to go to school it was the district attorneys appointed in the South by the Republican administration for the last 15 years. Of course, it is too late for them, because they will probably never get back in office.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise at this time to ask my good friend from Texas whether he has read on the editorial page of this morning's Post an article entitled "Blanton! Why?" and then "Heil to the Dictator!"?

Mr. BLANTON. The Post and its writer, Karl Schriftgiesser, are Russian Communist sympathizers, with just about the same kind of sympathetic ideas for communism that the gentleman entertains.

Mr. ZIONCHECK. Will the gentleman from Texas answer the question whether he would prefer a "red rider" to a night rider in Washington?

Mr. BLANTON. I would rather have night riders here and in the State of Washington than "red riders", if the "red riders" were "reds."

Mr. ZIONCHECK. Why does not the gentleman answer the question?

Mr. BLANTON. The Post and its editor, Karl Schriftgiesser, know that I have never belonged to the Ku Klux Klan and that in the zenith of its power one of its high kleagles ran against me for Congress, and I carried every county in my district against him by a big majority.

Mr. BACON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BACON. Mr. Chairman, I make the point of order the discussion has nothing to do with the pending bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SALARIES OF JUDGES

Salaries of judges: For 42 circuit judges; 157 district judges (including 2 in the Territory of Hawaii, 1 in the Territory of Puerto Rico, 4 in the Territory of Alaska, and 1 in the Virgin Islands); and judges retired under section 260 of the Judicial Code, as amended, and section 518 of the Tariff Act of 1930, $2,295,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

Mr. COCHRAN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 40, line 11, after the word "retired", strike out the period and the colon and add the following: "*Provided*, That in the event of the death or retirement of a district judge where a successor cannot be named by the President under existing law the President shall have the power to fill the vacancy for a period not exceeding 1 year."

Mr. McMILLAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. COCHRAN. Mr. Chairman, I realize the amendment is subject to a point of order and its constitutionality can also be questioned. My purpose in offering the amendment is to get a situation before the House.

There is a situation existing in various judicial districts of the country, including my own district, where the Congress has provided an additional Federal judge and there is a provision in the law which prevents the President from making an appointment in case of the death or retirement of the present incumbent. Those laws were passed to meet a situation that grew up after the enactment of the eighteenth amendment. Since the eighteenth amendment has been repealed, various amendments to the Bankruptcy Act have been adopted and many new laws have been placed upon the statute books by the Congress. We have doubled the work of the Federal judges.

Mr. Chairman, St. Louis is a great railroad center, and we have in our courts a number of railroad receiverships. We have but two judges. One of the judges is what is known as a temporary judge. Of course, everyone hopes that this judge will live for a long period of time, but we cannot predict what might happen. If that judge should pass away during the time that the Congress is not in session there would be a situation created that I am unable to describe. It would be physically impossible for one judge to handle the business before the court.

The conference of circuit judges has recommended that this vacancy, along with many others in the country, be made permanent. The conference of circuit judges has also recommended additional judges. I am not speaking now of the appointment of additional judges, although the recommendation of the conference of circuit judges provides for two additional judges in my own State. What I want to see now is the Congress give the President power to fill the temporary places in the event of death or retirement, so that there will not exist a congested docket in a locality where the judge is liable to pass away or is forced to retire. We should provide to meet a situation that might exist in your district or in my district.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. I think there is a great deal of merit in the gentleman's amendment, and I hope that a point of order will not be urged against it.

Mr. COCHRAN. I thank the gentleman.

Mr. TAYLOR of Tennessee. We have a similar situation in the middle district of Tennessee, and in the event of the death of the present judge it would be a calamity if the vacancy could not be filled.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. MICHENER. I beg the gentleman's pardon, but I could not hear just what his amendment provides.

Mr. COCHRAN. It is a pro-forma amendment granting the President power to appoint, for 1 year only, a successor to a judge who is now holding a judgeship which expires upon the death of the present judge. This would give the Congress an opportunity to decide whether or not the judgeship should be made permanent.

Mr. MICHENER. Has the matter been referred to the Committee on the Judiciary?

Mr. COCHRAN. It has not. It is a matter that came to my mind just at the moment. My real purpose is to call attention to an existing condition.

Mr. MICHENER. The gentleman is a splendid legislator and I have been able to follow him very often, because he is sound on these matters, but I am sure he would not for one moment want an amendment of this kind adopted here unless it was submitted at least to the Attorney General and the judicial council and had a proper background.

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. COCHRAN. I would not except for the fact that, as the gentleman knows, there are pending before his committee a large number of bills providing for additional judges and also to make the temporary judgeships permanent. The gentleman knows as well as I do that we are not going to get action on a great majority of these bills at this session of the Congress. The gentleman can readily understand in a great city like St. Louis, which has only two judges, with the many railroads there and with the railroad receiverships taking up the time of one judge, what would happen if we only had one Federal judge.

I am not asking for an additional judge now. I repeat that the conference of circuit judges has recommended that these judgeships be made permanent, and in addition, that two additional judges be appointed for Missouri, as well as new judges for other sections of the country.

Mr. MICHENER. I am sure the gentleman would not want to establish the policy or the precedent of creating Federal judgeships on the floor of the House on the spur of the moment without any further consideration.

Mr. COCHRAN. I may say to the gentleman that he well knows what my purpose is in offering such an amendment. We have a wonderful man presiding in St. Louis, who is a Republican, and politics does not enter into this matter. I am not going to have anything to do with the appointments if there should be a vacancy. I found that out when a vacancy occurred sometime ago. I am simply trying to meet a situation that might arise, so that we can carry on in a proper way in the event that one of the judges holding a temporary appointment should pass away. I am sure the gentleman would not want such a situation to occur in his own district.

Mr. MICHENER. Might we not apply that same reasoning where there are other temporary judgeships?

Mr. COCHRAN. The amendment does not apply alone to my district, but applies all over the United States and covers all the temporary judgeships.

Mr. MICHENER. Does it cover the Philippines?

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York, a member of the Judiciary Committee, where the bills I refer to are pending.

Mr. HANCOCK of New York. I can assure the gentleman that if he will introduce a bill to accomplish the purpose he now has in mind the Committee on the Judiciary will give it its usual prompt and courteous attention.

Mr. COCHRAN. I appreciate that. I have introduced a bill for my own district.

Mr. HANCOCK of New York. I do not believe this is the proper time to legislate, because the Committee on the Judiciary should have an opportunity to study this question, and therefore I shall be constrained to raise a point of order against the amendment.

Mr. COCHRAN. A point of order has already been raised and the point is being reserved. I am going to be required to concede the amendment is subject to a point of order.

I am going to ask the gentleman to kindly give very serious consideration to my bill that has been sleeping in committee a long time to make the temporary judgeship in my city permanent.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. CARTER. If the gentleman will consult article III of the Constitution, he will find his amendment is in conflict with the Constitution of the United States, which provides that both the judges of the Supreme Court and the inferior courts shall hold office during good behavior. As I understand the amendment, the gentleman is attempting to limit the term to 1 year. Therefore, before that could be done, an amendment to the Constitution would be necessary.

Mr. COCHRAN. The gentleman, as usual, is undoubtedly correct. I have, however, had the opportunity to call to the attention of the committee the necessity of enacting legislation at this session that will give the President the power to appoint successors to those now serving as temporary judges, so-called, in the event of a vacancy caused by death or forced retirement. Surely we cannot let this condition exist permanently or wait until the vacancy occurs. As I said before, I have accomplished my purpose.

The CHAIRMAN. A point of order has been reserved against the amendment.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, may I say in reply to the gentleman from Missouri that I think there is a great deal of merit in his argument, but, Mr. Chairman, the amendment is clearly legislation attempted to be placed in an appropriation bill, and as our friend the gentleman from California has pointed out, I think it is in direct conflict with the Constitution, and for this reason, Mr. Chairman, I make the point of order against the amendment.

Mr. COCHRAN. I am compelled to agree with the gentleman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Establishment of air-navigation facilities: For the establishment of aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; investigation, research, and experimentation to develop and improve aids to air navigation; aircraft, aircraft power plants, and accessories; for personal services in the field; purchase of motor-propelled passenger-carrying vehicles for official use in field work, including their exchange; replacement, including exchange, of not to exceed two airplanes for service use and two for experimental purposes; special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, $792,920: *Provided*, That no part of this appropriation shall be used for any purpose not authorized by the Air Commerce Act of 1926, as amended.

Mr. McMILLAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 60, line 3, strike out "$792,920" and insert in lieu thereof "$942,920, of which not to exceed $150,000 shall be available immediately."

The committee amendment was agreed to.

The Clerk read as follows:

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes", as amended by the act approved February 28, 1929, and the acts approved June 19 and 20, 1934 (U. S. C., title 49, secs. 171–184), including personal services in the field; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories, and repairs; replacement, including exchange (not to exceed $2,000), maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work; replacement, including exchange, of airplanes (not to exceed $16,500); purchase of airplane motors, airplane and motor accessories, and spare parts; maintenance, operation, and repair of airplanes and airplane motors; purchase of special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing; in all, $558,000.

Mr. McMILLAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 61, line 10, strike out "$558,000" and insert in lieu thereof "$733,000, of which not to exceed $175,000 shall be available immediately."

The committee amendment was agreed to.

The Clerk read as follows:

BUREAU OF THE CENSUS

For the expenses for securing information for and compiling the census reports provided for by law, including personal services in the District of Columbia and elsewhere; compensation and expenses of enumerators, special agents, supervisors, supervisor's clerks, and interpreters in the District of Columbia and elsewhere; traveling expenses; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside the District of Columbia; not to exceed $2,500 for the employment by contract of personal services for the preparation of monographs on census subjects; not to exceed $54,000 for constructing tabulating machines and repairs to such machinery and other mechanical appliances, including technical, mechanical, and other personal services in connection therewith in the District of Columbia and elsewhere, and the purchase of necessary machinery and supplies; and not to exceed $1,000 for expenses of attendance at meetings concerned with the collection of statistics when incurred on the written authority of the Secretary of Commerce; $1,900,500, of which amount not to exceed $1,450,000 may be expended for personal services in the District of Columbia, including not to exceed $51,000 for temporary employees who may be appointed by the Director of the Census under civil-service rules, at per-diem rates to be fixed by him without regard to the provisions of the Classification Act of 1923, as amended, for the purpose of assisting in periodical inquiries, and not to exceed $35,000 shall be expended for printing accumulated census data.

Mr. McMILLAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 70, after line 18, insert a new paragraph, as follows:

"Census of agriculture: For an additional amount for salaries and necessary expenses of the Census Bureau for compiling and publishing the census of agriculture of the United States for 1935, including the same objects specified under this head in the Department of Commerce Appropriation Act of 1936, $200,000, to be available immediately, and to remain available until December 31, 1936."

Mr. McMILLAN. Mr. Chairman, the field work incident to the agricultural census has been completed and all of the data has been compiled. It now develops, however, that all the data and memoranda connected with that census work are not available, lacking sufficient funds to provide for the printing of the accumulated material. The census of agriculture for 1935 is very important at this time, particularly on account of the Soil Erosion Act which was just passed, and for that reason a supplemental estimate was sent down by the President and the committee has approved of it in the same amount as submitted, namely, $200,000.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices and shops, $620,000.

Mr. McMILLAN. Mr. Chairman, I move to strike out the last word for the purpose of having inserted at this point an extract from the minutes of the Board of Supervising Inspectors, Bureau of Navigation and Steamboat Inspection, of the annual meeting of January 1936. I should have had this inserted when we were reading the appropriation for the Bureau of Navigation and Steamboat Inspection Service. At that meeting a resolution was passed appropriate for the RECORD, and I ask unanimous consent to extend my remarks in the RECORD at this point by the insertion of this resolution.

The CHAIRMAN. Is there objection?

There was no objection.

The matter referred to is as follows:

RECOMMENDATIONS FOR LEGISLATION

[Extract from the minutes of the Board of Supervising Inspectors, Bureau of Navigation and Steamboat Inspection, annual meeting of January 1936]

WASHINGTON, D. C., *January 21, 1936.*

Mr. William Fisher, supervising inspector of the first district, offered the following resolution:

"Resolution 3876

"Whereas the Board of Supervising Inspectors of the Bureau of Navigation and Steamboat Inspection of the Department of Commerce, now in session at Washington, D. C., is impressed with the fact that many of the local United States inspection officers in the field are behind in their work due to lack of personnel; and

"Whereas the prime function of the Bureau is safeguarding of life and property at sea; and

"Whereas this function cannot and is not properly being fulfilled on account of inadequate and underpaid personnel: Now, be it therefore

"*Resolved*, That the Director of the Bureau be requested to take further and vigorous steps to remedy the very serious condition that now prevails in the entire inspection service in the hope that some constructive and intelligent measures may be accomplished before any more major disasters occur on American-flag ships; and be it further

"*Resolved*, That the Congress of the United States be requested to appropriate funds to provide for additional inspectors and office employees, to provide for traveling expenses of the personnel of the service, to provide for means for reducing long and onerous hours of work among its employees, and otherwise enable the members of this service to carry out the mandate of the safety-at-sea laws which they are sworn to execute."

In support of the foregoing resolution we submit the following data which merely indicate the deplorable conditions that exist:

There is a very serious shortage of inspectors necessary to conduct the various inspections of vessels required by the statutes and the rules and regulations enacted to effectuate these statutes.

In addition to our inability to perform the inspections provided for by the statutes, we are unable to make intermediate inspections of freight vessels, both steam and motor, at intervals frequent enough to insure that they are seaworthy in every respect. We are also unable to make special examinations of the lifesaving and firefighting equipment, conduct frequent fire and boat drills on all classes of vessels, conduct better examination of able seamen and lifeboat men in order to raise the standard of these important members of the crew.

Excursion steamers carry large numbers of passengers and we should make more frequent inspections than is now possible with our present force of inspectors and conduct fire and boat drills at short intervals.

As many of the districts do not have assistant inspectors, the local inspectors must leave their office to make inspections and perform other work at some distant place. There are instances when they have been absent as long as a month, during which time other work has been neglected. It was during one of such absences of the local board on routine duties in its district that the *Dixie* disaster of 1935 occurred. It was impossible to contact the local inspectors for 2 days following word of the disaster in Washington, and during the time that they were necessarily absent from their office on account of this disaster no means of contact between the Bureau and this district was possible. The demoralizing effect upon the work of the Bureau is obvious.

Many drydock examinations of the underwater body of vessels cannot be made and many vessels are not visited more than once a year.

The Service conducts investigations of all marine accidents and holds trials of licensed officers charged with responsibility for such accidents. The proceedings are comparable to trials in United States courts. Manifestly matters of such judicial character should be given careful thought, consideration, and study before a decision is rendered, and unless the inspectors charged with these duties are relieved of other routine matters, either in the functioning of their offices or of inspection duties within their districts, they are seriously hampered in rendering just, equitable, and proper decisions.

There is attached hereto a record of the inspections and other routine work which the local inspectors in one district were unable to perform during the calendar year 1935. This record indicates a condition throughout the Service; it does not include a record of

the inability to perform many other duties, such as examination of repairs to vessels, vessels under construction, etc.

Which resolution was adopted.

Attest:

J. B. WEAVER,
Director, President of the Board.

Approved February 18, 1936:

DANIEL C. ROPER,
Secretary of Commerce.

The Clerk read as follows:

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oilskins) and apparatus, contingent expenses, pay of permanent employees not to exceed $387,030, temporary labor, and not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, and not to exceed $10,000 for the purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, of which not to exceed $5,000 may be expended for personal services in the District of Columbia, $664,000.

Mr. McMILLAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 86, line 5, strike out "$664,000" and insert "$667,000."

Mr. McMILLAN. Mr. Chairman, this is an item of only $3,000 to provide for a temporary shad hatchery along the south Atlantic coast. The committee recognizes the value of the Bureau of Fisheries, and at this time I desire to commend that Bureau for its very fine work in the propagation and protection of our food fishes. The shad, of course, is a very fine food fish, but it is only for certain periods of the year that the shad run in certain of our waters. Very little is known of their migratory habits.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. BACON. I am very glad that the chairman of the committee has offered this amendment. I think it is well worth while. I think for a small expenditure of $3,000 great benefit will result.

Mr. McMILLAN. I am very grateful to my colleague for his statement. The shad run only during certain seasons of the year. For that reason it is impossible to maintain what we would call a permanent hatchery. It must be temporary in character, and we feel that $3,000 will take care of such a hatchery for a temporary period.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The Clerk read as follows:

Not to exceed $750 of the appropriations herein made for the Bureau of Fisheries shall be available for expenses of attendance at meetings concerned with the work of said Bureau when incurred on the written authority of the Secretary of Commerce, and not to exceed $500 shall be available for the rental of suitable quarters in the District of Columbia for laboratory and storage purposes.

Mr. COLE of Maryland. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the subcommittee a question on the elimination of an item for the enforcement of the black-bass law. On page 31 of the committee report, with reference to an item of $15,000 carried in the appropriation bill of last year, and I think for several years prior to that, to enforce the black-bass law, the committee says:

With regard to this last decrease it may be said that the committee remains unconvinced of the reason or wisdom in maintaining a separate investigative force of two persons engaging themselves in enforcing a law that should be administered and enforced in the same manner as other penal statutes of the Federal Government.

That, of course, refers to the elimination by the committee of the $15,000 item. In view of the fact that this bill does not carry the usual $15,000, I am wondering if the enforcement of the black-bass law, under which such splendid work has been done, will be retarded in any way because of lack of funds in the possession of some other department of the Government.

Mr. McMILLAN. This enforcement, if continued, will be carried on under the Department of Justice or the Biological Survey of the Interior Department. The committee feels that the Bureau of Fisheries is not an investigative or an enforcing agent of the Government, and, while the item has been carried and has been undertaken to be enforced by the Bureau of Fisheries, we think it is not the proper place for this item to be carried.

Mr. COLE of Maryland. Is that the attitude of the Bureau of Fisheries? Does that Bureau so recommend?

Mr. McMILLAN. The Bureau of Fisheries estimated this item for the Budget, and the Budget in turn estimated it down to Congress, but the committee feels, in view of the statement I have just made, that the item should not be carried in this bill, but should be left to a proper law-enforcing agency of the Government to handle.

Mr. COLE of Maryland. I understand the gentleman's position. Realizing the futility of having an amendment pass to restore at this time the amount in question, I hope, if the item is not restored in the Senate, that the Committee on Appropriations will see to it that the Department of Justice or such other department as may be responsible for the enforcement of the black-bass law will have ample funds to enforce it. It is certainly not consistent to have a law such as the Black Bass Act, now being enforced by Bureau of Fisheries, and which this committee feels should be enforced, to not have sufficient funds with whichever department of the Government might be in charge of its enforcement, to continue uninterruptedly the present efficient enforcement of the law.

Mr. McMILLAN. I shall be very glad to call that matter to the attention of the Department of Justice.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. MITCHELL of Tennessee. Under the present program of reforestation and also through public works, a great many artificial lakes are being constructed.

Has the gentleman's committee taken into consideration any provision for stocking these newly created waterways?

Mr. McMILLAN. I am glad the gentleman called this matter to my attention. The Bureau of Fisheries has for the past year or more been working in cooperation with the Forestry Service and other branches of the Government with relation to setting up a definite program to take care of our food fish and game fish in the various forest reserves and parks that are now under way through emergency funds.

Mr. MITCHELL of Tennessee. Referring especially to my own State of Tennessee, you have in contemplation making available through the hatcheries a sufficient amount to stock Norris Dam, as an illustration?

Mr. McMILLAN. Yes. I may say the committee has added additional funds this year in order that our hatcheries may produce greater quantities of fish for this very purpose. I may say that the output from our hatcheries last year was approximatley 1,000,000,000 eggs more than the previous year.

Mr. MITCHELL of Tennessee. I want to commend the committee for its consideration. One other question about the Tennessee situation. There is a hatchery at Flintville, known as Warren Hollow. I presume, of course, that is provided for in this bill?

Mr. McMILLAN. Yes; it is.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. MAY. I was wondering if some of the mountain streams in the State of Kentucky might participate in some of this fish activity, if the gentleman happens to know where Kentucky is? [Laughter.]

Mr. McMILLAN. My time has expired, but I think Kentucky is taken care of.

The Clerk read as follows:

UNITED STATES SHIPPING BOARD BUREAU

Salaries and expenses: To carry out the provisions of the Shipping Act, 1916, as amended, the Merchant Marine Acts of 1920 and 1928, as amended, the Intercoastal Shipping Act, 1933 (U. S. C.,

title 46, secs. 741–790, 801–848, 861–889, 891–891x, 911–984), and Executive Order No. 6166 (June 10, 1933), including the compensation of attorneys, officers, naval architects, special experts, examiners, and clerks, one technical expert in connection with construction loan fund, and other employees in the District of Columbia and elsewhere; and for other expenses of the Bureau, including the rental of quarters outside the District of Columbia, traveling expenses of employees of the Bureau while upon official business away from their designated posts of duty, including not to exceed $300 for attendance at meetings or conventions of members of any society or association, the purpose of which is of interest to the development and maintenance of an American merchant marine, when incurred on the written authority of the Secretary of Commerce, and for the employment by contract of expert stenographic reporters for its official reporting work, $249,000, of which amount not to exceed $243,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay any salary at a rate in excess of $8,000 per annum, except that this limitation shall not apply to the salary of the Director of the Bureau: *Provided*, That the annual estimates of the Shipping Board Bureau for the fiscal year 1938 shall be accompanied by a statement showing the number and compensation of employees of the Fleet Corporation assigned to that Bureau: *Provided further*, That employees of the Merchant Fleet Corporation assigned to and serving with the Shipping Board Bureau whose compensation is within the range of salary prescribed for the appropriate grade to which the position has been allocated under the Classification Act of 1923, as amended, shall not be subject to reduction in salary by reason of their transfer during the fiscal year 1937 to the pay roll of the Bureau.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 92, line 24, after the word "*Provided*", insert the word "*further*."

The committee amendment was agreed to.

The Clerk read as follows:

Salaries: Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia, $300,000: *Provided*, That persons (not exceeding 10 in number) now employed in the determination of wages pursuant to the provisions of the act entitled "An act to amend the act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings", approved August 30, 1935, may be continued in such employment and paid from the amount herein appropriated without regard to the provisions of the civil-service laws requiring competitive examinations: *Provided further*, That said personnel (except attorneys and referees) shall be required to take nonassembled examinations.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 97, line 5, strike out "$300,000" and insert "$330,000."

Mr. McMILLAN. Mr. Chairman, I may say this is the first of a series of three amendments that I shall offer in connection with this item.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, having for a great many years, in the State legislature and here, been interested in the prevailing-rate-of-wage law, when the matter was brought to my attention that the appropriation had been reduced for the enforcement of that law, which is commonly known as the Davis-Bacon Act, I took up the matter with the committee. The reduction seemed to me quite extreme. Today I understand the committee is restoring an additional $52,000, under three items, to improve the facilities of the Department of Labor to enforce the provisions of this act.

I want to thank the committee. I know we are all interested in the enforcement of this particular law to see to it that the employees on Government contracts receive substantially the prevailing rate of wage paid other employees in the locality and in the industry.

This appropriation bill, H. R. 12093, as reported out by the House Appropriations Committee (Rept. No. 2286, dated Mar. 31, 1936), cut the allowance for the administration of the amended Bacon-Davis Prevailing Wage Act to one-third of the Bureau of the Budget's estimate. This estimate itself was a reduction of more than $30,000 from the request of the Secretary of Labor for this purpose. A new and important regulatory statute would thus be virtually crippled before it has been in operation a year.

Appropriations for carrying out the provisions of the amended Bacon-Davis Act (act of Aug. 30, 1935, Public, No. 403, 74th Cong.) are contained under the general heading "Office of the Secretary" in H. R. 12093 (p. 97, et seq.). The new act has placed a heavy burden on the Department. In the last year of the operation of the original Bacon-Davis law 21 cases were received; at the end of the first 5 months under the amended statute, approximately 900 requests for predetermination, or an average of 169 per month, have been made.

For the current fiscal year the Works Progress Administration allotted $100,000 to the Secretary of Labor to carry on this work. This amount was for a 10-month period, since the act went into effect on September 30, 1935. From the experience of the first 5 months the Acting Solicitor of Labor estimated that $124,343 would be needed for the next fiscal year. This figure was cut by the Bureau of the Budget to $94,000, $6,000 less than that allowed for the first 10-month period. A detailed statement on the administrative expenses (hearings before Subcommittee House Committee on Appropriations, p. 7 ff.) pictures graphically the importance of the work to the entire Federal construction program. To prevent the blocking of the program in the Department of Labor it is imperative that funds for adequate personnel be provided.

The House Appropriations Committee had sharply reduced that of the Bureau of the Budget. It has eliminated entirely items for continued expenses $13,940, and for traveling expenses $11,000. These reductions would jeopardize the future of the prevailing-wage law.

It is gratifying that the Commitee on Appropriations has reconsidered the matter and increased the appropriations by $52,000.

Mr. CONNERY. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I simply rise at this time to congratulate the chairman of the subcommittee on his excellent judgment and fine appreciation of what was necessary in this appropriation, by the amendments which he is offering to protect labor in this bill. The Walsh bill, which passed the Senate and then came out of our Committee on Labor and passed the House at the last session, provided that these contractors must pay the prevailing rates of wage. That is one of the most important bills, as far as labor is concerned, which has ever passed this Congress. If the chairman of the subcommittee had not put back this appropriation to the Budget estimates, it would have seriously hampered the Department of Labor in its enforcement of this law.

I understand from the chairman of the subcommittee [Mr. McMILLAN] that two other amendments will be offered also, which will take care of other matters connected with the labor situation.

Mr. McMILLAN. The other two amendments have to do with the administration of the Bacon-Davis Act. Those two amendments will be offered as they are reached in the bill.

Mr. CONNERY. I want again to congratulate the chairman and say those are amendments which I had intended to offer, but I am glad they have been offered by a better man, the gentleman from South Carolina [Mr. McMILLAN]. [Laughter and applause.]

Mr. MORITZ. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. MORITZ. I want to call to the attention of the gentleman, who is chairman of the Committee on Labor, that at the Federal post-office building in Pittsburgh there was a contract let for painting at 50 cents an hour, which was less than the prevailing rate of wage.

Mr. CONNERY. If the gentleman will send me a brief on that, I shall be glad to take it up with the Department.

Mr. MORITZ. I called the matter to the attention of the officials at Pittsburgh, and they said they had nothing to do with it, because the contract was signed here in the city of Washington.

Mr. CONNERY. I shall be glad to take that up with the Department of Labor, if the gentleman will give me a memorandum on the subject.

[Here the gavel fell.]

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture and repairs to the same, carpets, matting, oilcloths, file cases, towels, ice, brooms, soap, sponges, laundry, street-car fares not exceeding $400; purchase, exchange, maintenance, and repair of motorcycles and motortrucks; maintenance, operation, and repair of a motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; newspaper clippings not to exceed $1,200, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase of law books, books of reference, newspapers, and periodicals, not exceeding $4,500; contract stenographic services; all other necessary miscellaneous items and expenses not included in the foregoing; and not to exceed $25,000 for purchase of certain supplies for the Immigration and Naturalization Service; in all, $100,500: *Provided*, That section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of $100.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 98, line 18, strike out "$100,500" and insert "$112,500."

Mr. McMILLAN. Mr. Chairman, this is one of the amendments to which I referred to a moment ago, and is offered to accomplish the same purpose.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor (U. S. C., title 5, sec. 611) and to appoint commissioners of conciliation, traveling expenses, telegraph and telephone service, and not to exceed $50,000 for personal services in the District of Columbia, $398,000.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 99, line 8, strike out "$50,000" and insert "$80,000."

The amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 99, line 9, strike out "$398,000" and insert "$408,000."

The committee amendment was agreed to.

The Clerk read as follows:

Liaison with the International Labor Organization, Geneva, Switzerland, salaries and expenses: For a United States Labor Commissioner and other personal services in Geneva, Switzerland; compensation of interpreters, translators, and porters; traveling expenses of employees, including transportation of employees, their families, and effects, in going to and returning from foreign posts; rent, heat, light, and fuel; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; purchase and exchange of foreign and domestic books, periodicals, and newspapers; purchase of furniture, stationery, and supplies; printing and binding; postage; telephone and other similar expenses, for which payment may be made in advance; necessary technical or special investigations in connection with matters falling within the scope of the International Labor Organization; allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), not to exceed $1,700 for any person, and contingent and such other expenses in the United States and elsewhere as the Secretary of Labor may deem necessary, fiscal year 1937, $28,000.

Mr. BACON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I call to the attention of the committee, for the RECORD, the fact that the $28,000 item appearing in the bill at page 100 is for the purpose of defraying the expenses of maintaining an office in Geneva, Switzerland, staffed with five employees, to keep the Government posted on the work of the International Labor Office.

The Committee have viewed with some concern the increasing yearly costs to the United States Government of the International Labor Office. The annual cost has now reached the total, I believe, of $385,000, the major part of the amount, of course, appearing under the Department of State, which acts as agent for the Department of Labor. Whether we should continue our membership in this body is something, of course, for the Congress to decide and not for the Appropriations Committee to pass on. We, therefore, have allowed the amounts required to continue our membership in this International Labor Organization.

We questioned the different people who came before our committee as to concrete results. They gave us page after page of testimony full of beautiful ideas for the future, but our committee has not been able to find any one actual, concrete good that has yet come out of our membership in this organization; we can only hope for the best in the future.

My particular purpose in rising at this time, Mr. Chairman, is to call the attention of the Committee to this Geneva office of five people maintained the year around in Switzerland. I am not now questioning the necessity of maintaining this office. However, our membership in this international labor organization requires attendance at four quarterly meetings in Geneva by some representative of our Government. Although we have Dr. Rice and four assistants in Geneva permanently, we send four times a year more than one representative from this country to attend these quarterly meetings, which are meetings of the council or governing body and are not the regular annual meetings of the full body. I do not now question the necessity of sending a delegation to the annual meetings of this international labor organization, nor do I now question the necessity of maintaining this office in Geneva; but I do question the necessity of sending three times a year to three of the quarterly meetings representatives from this country on a joy ride to Geneva when the interest of our Government could be just as well and just as adequately attended to by Dr. Rice, the permanent member of our staff, who maintains the year around residence and office in Geneva.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield.

Mr. GRISWOLD. Is any official action taken at the quarterly meetings, or is that taken at the yearly meetings?

Mr. BACON. All official action, as I understand it, is taken at the yearly meetings. The quarterly meetings are of the governing body, and we should, of course, be represented in the governing body if we are to be a member of the organization. The point I am trying to bring out is that Dr. Rice, our permanent representative at Geneva, could well represent us at these quarterly meetings rather than sending over on a joy ride some member of the Department of Labor. Only a few days ago one of these quarterly joy rides took place when Dr. Lubin, of the Department of Labor, went all the way from this country to Geneva. He has just returned. The expense of sending him was considerable. It seems to us these quarterly meetings might be attended by our permanent representative in Geneva.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have prepared an amendment which I intend to offer at the end of the reading of this section, striking out, on page 99, all of lines 10 to 24, inclusive, and on page 100, all of lines 1 to 6, inclusive; in other words, wiping out our participation in this International Labor Organization. For three different terms in Congress I have tried to stop this appropriation and stop sending people on joy rides to talk with Mussolini, Hitler, Stalin, and other great "friends" of union labor throughout the world. I do not see any necessity of sending a representative on the part of the United States to sit in with a subsidiary of the League of Nations and then expect to obtain any results beneficial

to labor in this country. The League of Nations has been a colossal failure and we should keep away from any of their committees unless we want American labor to get its fingers burned.

Mr. TARVER. Will the gentleman yield?

Mr. CONNERY. I yield to my friend from Georgia.

Mr. TARVER. I am in hearty accord with the gentleman's statement, except that I feel we should continue paying the dues that naturally we assumed in the adoption of the resolution authorizing the President to accept membership in the I. L. O. Until Congress by legislative action withdraws our membership, I do not see how we can refuse to pay the dues that naturally follow from the passage of the previous resolution.

Mr. CONNERY. If this House today will wipe out this appropriation, then in a very few days there will be brought in a resolution wiping out the further need of any participation on the part of this country.

Mr. TARVER. Might not some embarrassments in international relationships ensue?

Mr. CONNERY. I do not think there will be any international difficulties. Of course, it is a nice joy ride for these members to go over there and sit in and discuss labor conditions. Then they are told politely that the United States should mind its own business and pay its own decent wages, which Europe will refuse to pay under any circumstances.

Mr. WOOD. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Missouri.

Mr. WOOD. The gentleman seems to be very much afraid to send our representatives of labor to foreign countries to confer with other representatives of labor.

Mr. CONNERY. Not particularly labor; any representatives on any subject under the auspices of the League of Nations.

Mr. WOOD. Why send over other emissaries to discuss various things? Why have a Diplomatic Service at all?

Mr. CONNERY. Some diplomats have been all right in their place, but our diplomats do not sit in as representatives of the League of Nations.

Mr. WOOD. The gentleman seems to think that representatives of labor are more easily influenced than members of the Diplomatic Service, for instance.

Mr. CONNERY. No. The representatives of labor are far less apt to be influenced, I may say.

Mr. WOOD. Then why object to sending labor representatives over there to discuss these things?

Mr. CONNERY. Because I object to our representatives sitting in over there on a useless proposition, when the cards are stacked against labor before the conference even begins. The gentleman should know that this is merely a junket.

Mr. WOOD. No; I do not know that. It is simply a matter of difference of opinion.

Mr. CONNERY. They discuss with representatives of the antilabor countries in Europe increases in wages and shortening of hours, and then, as I said, are told politely to return to America and keep dreaming their dreams.

Mr. WOOD. Why not discuss those matters with the representatives of labor over in Europe?

Mr. CONNERY. Because the I. L. O. is in connection with the League of Nations, it is the committee and the tool of the League, and we never got to first base with the League of Nations on anything which was for the best interest of the United States.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Washington.

Mr. ZIONCHECK. Will the gentleman from Massachusetts tell the House what useful service any diplomat has ever rendered at any time except to get countries into trouble?

Mr. CONNERY. I cannot agree with the gentleman on that proposition.

Mr. ZIONCHECK. Well, tell us about that.

Mr. CONNERY. I think some of our diplomats in foreign countries have rendered real service and tried to keep us out of war.

Mr. ZIONCHECK. What war?

Mr. CONNERY. We had men like Brand, Whitlock, and others who were real Americans. They were patriots and tried to do everything they could to keep us out of trouble. But some of our diplomats went over to Europe and as soon as they got to England they became more English than the English themselves, and as soon as they got to France they became more French than the French, more German than the Germans, and so ad nauseam. Those are the kind of diplomats to which I referred. They are the type of men who forget they are Americans as soon as they bow to some foreign king or potentate.

[Here the gavel fell.]

The Clerk read as follows:

BUREAU OF LABOR STATISTICS

Salaries and expenses: For personal services, including temporary statistical clerks, stenographers, and typewriters in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; traveling expenses, including expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor; purchase of periodicals, documents, envelopes, price quotations, and reports and materials for reports and bulletins of said Bureau, $748,000, of which amount not to exceed $600,000 may be expended for the salary of the Commissioner and other personal services in the District of Columbia.

Mr. BACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACON: On page 100, line 17, after the word "Bureau", strike out "$748,000" and insert "$700,000."
In line 18 strike out "$600,000" and insert "$550,000."

Mr. BACON. Mr. Chairman, I offer this amendment to make a small cut in the Bureau of Labor Statistics, which is the most extravagant bureau of the most extravagant department in the United States Government.

In 1935 they received a total appropriation of $528,000. This year our committee has allowed them $748,000, an increase of $220,000 over 1935. If my amendment is agreed to, they will still have an increase of $172,000 over 1935.

Mr. Chairman, in 1931 this Bureau started with an appropriation of $37,000, and yet in this bill there is appropriated a total of $748,000, or an increase in 6 years of over $700,000.

I call attention to the fact that the big statistical bureau of the Federal Government is the Bureau of the Census. It so happens that the Bureau of the Census comes under the Department of Commerce, which is also under the jurisdiction of this subcommittee. When Dr. Austin, head of the Bureau of the Census, appeared before our committee we examined him very carefully. He stated that all these statistics gathered by the Bureau of Labor Statistics could be more economically gathered by the Bureau of the Census. They are the experienced gatherers of statistics. Then, of course, having gathered the statistics they could be turned over to the Labor Department for analysis, use, and so forth. My point is that we could save a lot of money if we told the Bureau of the Census what kind of statistics was wanted. The Bureau of the Census would then gather those statistics at a great decrease in cost and turn them over to the Department of Labor, where they could be analyzed and used.

Mr. WOOD. Will the gentleman yield?

Mr. BACON. I yield to the gentleman from Missouri.

Mr. WOOD. What matter has the Bureau of the Census ever turned over to this Congress in the past 3 years that had reference to statistical matters?

Mr. BACON. They have never been asked to do so. They can do the work and they are equipped to do it. This Bureau is buying tabulating machines and renting tabulating machines the use of which they could easily get from the Bureau of the Census.

They are duplicating the work of the Bureau of the Census, and, furthermore, it is a very interesting fact that the Department of Labor last year, over and above the automatic promotions required by law, was able to save sufficient money out of the appropriations we gave them last year to make over 700 administrative promotions.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. They saved enough money to make over 700 administrative promotions in addition to the automatic promotions.

The State Department has not made a single administrative promotion since 1932, while this Department has made over 700 of them. The Department of Labor saved enough money in this very Bureau out of what we gave them last year to make over 700 administrative promotions. This was done out of the money that was not used for other purposes. I maintain it is not fair to the faithful employees of a department like the Department of State, who have not had a single administrative promotion since 1932, to look across the street at the Department of Labor and see men who are doing the same kind of work receiving 700 administrative promotions over and above the automatic promotions required by law.

I cite this to show that they have padded their estimates in this Department in order to make enough savings to make these administrative promotions.

If we believe in economy, I think we can well begin by dealing with this Bureau that has increased its appropriations in 2 years over 100 percent. It is time to stop, look, and listen in the interest of the Treasury of the United States.

Mr. MAY and Mr. WITHROW rose.

Mr. BACON. I yield first to the gentleman from Kentucky.

Mr. MAY. The only way to save money is to begin by cutting down on appropriations and then they will have to curtail their promotions.

Mr. BACON. That is the only way to stop these administrative promotions that other departments have not enough money to make. These people pad their pay rolls and their estimates in order to get money to accomplish this very purpose.

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize the fact that there is a great deal of force in the argument that has just been made by my colleague the gentleman from New York [Mr. BACON].

It is true that in 1935 there was appropriated for this Bureau $528,000, and for 1936 there was appropriated $885,000. For the present fiscal year there was estimated $885,000. This is more than a 100-percent increase for this particular activity over a 3-year period. So, as the gentleman from New York has said, if we expect to economize and save a little money in an activity, I think here is a mighty good place to do it.

Mr. TARVER. Mr. Chairman, will my colleague yield?

Mr. McMILLAN. Yes.

Mr. TARVER. I think it should be said in justification of the substantial increase that the passage of the Social Security Act has added materially to the importance of the work of this Bureau.

Mr. McMILLAN. That is true.

However, as the Members of the House realize, we have a great many statistical agencies now operating. The Shipping Board has one of these agencies, the Bureau of Foreign and Domestic Commerce carries on statistical work, and, of course, the Bureau of the Census is regarded as our leading statistical Bureau. We should also have in mind the agricultural census work, and I may say that a lot of the work done by this Bureau is for the benefit of the farmers.

Having all this in mind, Mr. Chairman, the committee did reduce this item from $885,000, which was the amount estimated by the Budget for the next fiscal year, to $748,000, a cut of $136,000.

I feel this is about as far as we ought to try to go at this time and be consistent. While my friend from New York has offered this amendment to further reduce the item, considering the case as I know it to be and the history of this activity as I have found it to be from the hearings, I believe $136,000 is a consistent cut for this Bureau at this time.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. MAY. Did the committee make any study of a method to coordinate all of these different activities that are gathering statistics in one bureau or one department and try to save some money in that way?

Mr. McMILLAN. I may say that the committee has, but as the gentleman knows, there is now under consideration, both in the Senate and in the House, a resolution under which steps are to be taken toward a consolidation of such activities and the prevention of such duplications as I have referred to.

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in my opinion, if the Department of Labor would spend more time trying to answer letters sent to them asking intelligent questions—from the constituents of Congressmen—and spend less time monkeying around with statistics which they do not understand themselves, we would have a better Department of Labor.

I do not know of a department in Washington, D. C., that ignores communications from Members of Congress as does the Department of Labor. I think the Department needs a thorough housecleaning, and that includes probably the madam who is a member of the Cabinet. As reluctant as I am to support an amendment coming from the Republican side, I am going to do it anyway. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to return to the previous paragraph that I may offer my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. LEWIS of Maryland. I object.

Mr. CONNERY. I want to say to the gentleman from Maryland that the Clerk read down to line 20, including the "District of Columbia." The gentleman from New York [Mr. BACON] offered his amendment and the paragraph I refer to was not read.

Mr. LEWIS of Maryland. Will the gentleman yield? The subject was proposed and considered by the House a year or two ago and disposed of.

Mr. CONNERY. Then, Mr. Chairman, I raise the point of order that the paragraph has not been read, and to support that I will refer to the gentleman from New York [Mr. BACON].

Mr. TARVER. Mr. Chairman, my colleague is in error. I heard the Clerk read distinctly the amount "$28,000", which ends the paragraph. That was before the gentleman addressed the House.

Mr. CONNERY. I did not desire to bring this matter up in reference to the Clerk's reading, but he could not possibly read the paragraph in the time that elapsed between the time I took my seat and waiting for the paragraph to be read.

The CHAIRMAN. The Chair in ruling on the point of order will state that the Clerk insists that the paragraph was read, but the gentleman from Massachusetts, unfortunately, rose to speak out of order at the time the amendment was pending.

Mr. CONNERY. I started to talk about the word "Columbia", which ends the paragraph. The gentleman from New York rose and moved to strike out the last word, and I rose in opposition to the pro-forma amendment and said that I was going to offer an amendment to this paragraph, which has not been read.

Mr. MICHENER. Mr. Chairman, I suggest that if the section or paragraph in the bill has been read and no debate has been had on that section, the question of going back in the bill is waived regardless of whether it was read or not. It is presumed to have been read if the preceding section was read.

The CHAIRMAN. The Chair, with regret, accepts the reasoning of the gentleman from Michigan [Mr. MICHENER] on that point.

Mr. CONNERY. Then, Mr. Chairman, after explaining the situation to my friend from Maryland [Mr. LEWIS], and knowing the fairness of the House, I ask unanimous consent that my amendment may be acted upon.

The CHAIRMAN. The Chair will again put the request for unanimous consent. The gentleman from Massachusetts asks unanimous consent to offer his amendment. Is there objection?

Mr. LEWIS of Maryland. Mr. Chairman, I object.

Mr. GRISWOLD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRISWOLD: Page 100, line 17, strike out "$748,000" and insert in lieu thereof "$884,600."

Mr. GRISWOLD. Mr. Chairman, my amendment is simply giving to the Bureau of Labor Statistics what the Budget Director asked that they have. No matter what one may say, and I recognize the interest of the Committee in economy, I think the Committee has erred in its judgment. The Committee has tried to bring out the bad things about this Bureau of Labor Statistics, the fact that they have promoted efficient employees, but has not brought out all of the good things. It has not brought out the fact that this Bureau of Labor Statistics is by statute that we have enacted forced to do certain things, collect certain figures—all of your retail sales statistics, all of the wholesale sales statistics, all the living costs on which are based the subsistence fees of the Army and Navy, the building permits, hours of work, wages, working conditions—all come under this Bureau. It is said that it has increased its functions. It has increased its functions, as the Department of Agriculture has, as the Department of Commerce has. You give to the Department of Agriculture, Bureau of Economics, more than $3,000,000 for 30,000,000 farmers, for the collection of information, while for 40,000,000 laborers, salaried workers, you give only $748,000. To the Department of Commerce for the collection of information and the dissemination of information you give $2,700,000, and to 40,000,000 who are vitally interested in labor, living cost, and employment information you give less than $800,000. These statistics are now reaching a place where they are used more than ever in the economic life of the country. They are the only statistics on which you can base national income. They are the statistics being used today in case after case to prevent strikes.

The Bureau puts out information both for the employer and the employee—facts on which they can sit around a table and adjudicate matters, and if all of the money expended here will prevent only one strike of major importance in this country it will have saved more than the total appropriation. Fifty-one thousand requests, according to the hearings, came to this Bureau last year for special information, which were answered. The largest percentage of them came from industry. The hearings show that the Department of Commerce uses the Department of Labor figures as a basis for its own figures, and you give the information service of the Department of Commerce $2,700,000. The Census Bureau cannot collect these figures. It has no means by which it can do it. As a matter of fact, when the last census was taken, and the hearings show this, the Director of the Bureau of Labor Statistics went to Mr. Austin with a request for the information that he should get to help them with this Bureau, and Mr. Austin did not get the information. It is not of record. There is no other way to get it. The only governmental agency that puts out figures on retail prices and the cost of living to the American housewife is this Bureau. For the work it does, in comparison to other governmental bureaus, it receives a mere pittance. The amount should not be reduced.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment. There is no purpose on the part of the committee to discount the value of the work which is being done by the Bureau of Labor Statistics. We recognize to the full the great importance of that work and the efficient manner in which it is being handled, and we also recognize the fact that on account of the passage of recent legislation, notably the Social Security Act, the duties of that Bureau have been very largely expanded, and that additional moneys to those which were sufficient a few years ago are necessary in order that this work shall be properly carried on. The chairman of our committee a few moments ago resisted vigorously the amendment offered by the gentleman from New York [Mr. BACON], which was designed to reduce this appropriation by $48,000. It is now our duty to express with equal vigor our opinion that the appropriation should not be increased by $136,000, as is proposed by the gentleman from Indiana. Why? Because the committee has carefully examined the subject matter and has determined from the evidence which was at its disposal that the amount of money carried in the bill is amply sufficient to carry on the work. The arguments of the gentleman from Indiana are not adjusted to that question. He simply stresses the importance of the work being done by the Bureau of Labor Statistics. With that portion of his argument we agree, but he has not offered any suggestion of a reason why more than $748,000 is required to do that work; and. in our opinion, based on the evidence received by us at the hearings, the amount carried in the bill is amply sufficient.

Attention has already been called to the fact that the Department of Labor last year made 700 administrative promotions. How did they do that? They did it by using the savings fro. ı appropriations made by Congress for the Department of Labor. How were they able to make the savings? Because the Congress had appropriated more money than was necessary for the activities of that Department. The question here is whether or not we propose to permit that practice to continue.

May I read to my colleagues a very instructive bit of testimony given by Judge William J. Graham, of the Court of Customs and Patent Appeals, which appears on page 300 of the hearings had upon the Department of Justice appropriation bill, illustrating the practices followed in some of these departments in the matter of appropriations and securing additional appropriations from Congress. Judge Graham says:

The trouble is that Congress makes an appropriation of, say, $10,000 for an item, and when the department finds about the first of June that it still has $2,000 or $3,000 left, there is a great hurry and bustle to contract for the expenditure of that money, oftentimes for things that are unnecessary. They do that instead of covering it back into the Treasury. The principal motive back of that is this: They think that if the committee notices that they have been covering money back into the Treasury they will not get as much next year. For that reason they spend it.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. LEWIS of Maryland. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. All time has expired on the amendment.

Mr. LEWIS of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of Maryland. Mr. Chairman, no Member in the House could be more disposed to thank members of the committee for their faithful efforts to keep down expenditures on the part of the Government than I am. However, as I look at this subject matter, I am amazed to find how very minimal, how contentious we are, with regard to some very maximum subjects. One of those is the subject of employment. In the previous appropriation the sum of $884,000 was carried for studies by the Department of Labor into wages, employment, living conditions, and related topics. Those inquiries concern 40,000,000 wage earners in the United States. If you will divide $884,000 into 40,000,000, you have a statistical grant of 2 cents per employee given the Department of Labor under last year's appropriation to cover the great subjects

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. I yield.

Mr. McMILLAN. How many of those 40,000,000 people to whom the gentleman has referred really read these statistics that are gotten out for this money that is appropriated?

Mr. LEWIS of Maryland. If 50 men in the United States in the right positions, ourselves, for example, should read them, they would determine the weal or the woe of the whole 40,000,000.

Mr. LAMBETH. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. I yield.

Mr. LAMBETH. Does not the gentleman think that, in view of the billions we are expending in an attempt to solve the problem of unemployment, it is essential that we should have a thorough census of unemployment, and that the expenditure of that amount of money would be infinitesimal in relation to the billions we are spending trying to meet the problem? How can we attack the problem intelligently until we know what the problem is?

Mr. LEWIS of Maryland. I agree with the gentleman. I should be sorry to see this great subject fall between two stools, the Director of the Bureau of Census and the director of this particular bureau. Some $3,000,000 are allowed for analogous work, for statistical reports with regard to some 6,000,000 farms in this country. Certainly we get more than compensatory benefit from that kind of investigating work.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. I yield.

Mr. GRISWOLD. In the hearings it shows there were 8,743 special requests by Members of this House. The booklets go to over 5,100 local labor unions in the United States.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. LEWIS] has expired.

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it is seldom I rise to sponsor an increased appropriation, but, to my mind, this is one of the very most important appropriations that has been considered by the House. The fact that the Bureau of the Budget has recommended $885,000 should be sufficient evidence that it is needed. It is not only for the purpose of the 40,000,000 wage earners. It does not make any difference whether 40,000,000 wage earners, or others, read these reports. This Congress needs some concrete information. We have not had any real information with reference to wages, hours, working conditions, the employment situation, the number of unemployed in the United States, the number of employable, and so forth. We have had to depend upon a private agency for the best information we have received.

It has been variously admitted on numerous occasions that the American Federation of Labor is about the most authentic source of information we have, insofar as statistics are concerned with reference to the number of unemployed and the number of unemployables in the United States, scales of wages, and related matters it is so necessary for this Congress to have. I think we ought to have a permanent institution, and our Bureau of Labor Statistics is a permanent institution, but through limited appropriations it has been a statistical institution in name only.

Mr. Chairman, I do not think $885,000 is enough. I think the expenditure of $2,000,000 or $3,000,000 in this all-important matter would be well worth while; because, if I should come back to the next session of Congress, I would like to have some accurate information as to just how many people are unemployed in the United States, what the wage standards are, and what the condition of the unemployables of the United States is. I would like to know how many men and women we must take care of because they cannot be used in the factories, the mills, and the mines of our country; and I hope and trust this amendment will be adopted.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I yield.

Mr. GRISWOLD. It is stated in the report that the reduction will be made where the pinch will be least felt.

Mr. WOOD. Yes.

Mr. GRISWOLD. Is it not a fact that in this case 40,000,000 people will feel the pinch?

Mr. WOOD. Yes; and more than 40,000,000, because with 40,000,000 people affected, everyone in the United States is affected.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. WOOD. I yield.

Mr. HEALEY. Can the gentleman think of any more vital information to the Congress than that which can be provided by this Bureau if it has sufficient funds?

Mr. WOOD. I certainly cannot, and I thank the gentleman for his contribution.

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, a few moments ago I took occasion to rise in opposition to the amendment offered by my colleague, the gentleman from New York, further reducing this item. At this time, however, I desire to say a few words in opposition to the amendment offered by the gentleman from Indiana to increase the appropriation.

We are not here today, Mr. Chairman, abolishing this Bureau. From some of the statements which have been made one would gather the impression that we were going to run this crowd out of Washington before sundown. Nothing of the kind is going to happen. We are only reducing the appropriation in the light of the testimony given before our committee. We feel that $748,000 is sufficient to carry on this work.

The remark was made a moment ago that between 800 and 900 requests have been made on this Bureau by Members of Congress. Perhaps so, but we are not abolishing the Bureau, and I make the assertion that even if this item is reduced as the committee recommends, a Member of Congress can still get from the Bureau the very kind of information he secured before.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. GRISWOLD. Is it not true that by this reduction the efficiency of the field force will be decreased by 40 percent?

Mr. McMILLAN. It will be reduced a little, of course.

Mr. GRISWOLD. Forty percent.

Mr. McMILLAN. We have got to make a start cutting down at some place, and here is a Bureau which has been increased more than 100 percent in 3 years. It is about time somebody took the bull by the horns and said "Stop." This is the situation.

The gentleman talked about 40,000,000 people being affected by a lessening of the work of gathering statistics. So many statistics are put out in this country by boards and bureaus that we get absolutely dizzy reading them. [Applause.]

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. WOOD. The gentleman speaks of the many bureaus issuing statistics. Does the gentleman get from the Government any accurate statistics as to wages and hours of employment? He does not get them from a single bureau.

Mr. McMILLAN. Certainly I get statistics. The members of the committee have been so flooded with statistics that I think we want to change our names so we won't be plagued with them. I am absolutely satisfied that the $748,000 allowed by the committee for this work for another year is quite sufficient.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. ZIONCHECK. In the last 3 years this Department has spent something over $2,000,000 in the gathering of

statistics and has not yet found out how many unemployed there are, has it?

Mr. McMILLAN. There is a great deal to what the gentleman suggests.

Mr. ZIONCHECK. Now we are asked to let them spend an additional $137,000 so they can find out how many unemployed there are. It is silly.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. GRISWOLD and Mr. CONNERY) there were—ayes 17, noes 51.

Mr. CONNERY. Mr. Chairman, I demand tellers.

The CHAIRMAN. All those in favor of taking this vote by tellers will stand and remain standing until counted. [After counting.] Fourteen Members have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

GRANTS TO STATES FOR MATERNAL AND CHILD-HEALTH SERVICES

Grants to States for maternal and child-health services, Children's Bureau: For grants to States for the purpose of enabling each State to extend and improve services for promoting the health of mothers and children, as authorized in title V, part 1, of the Social Security Act, approved August 14, 1935 (49 Stat. 629–631), $2,820,000: *Provided*, That no part of this sum shall be allotted to any State (as defined in such act) under subsection (b) of section 502 thereof: *Provided further*, That in carrying out such part 1, the allotments to States and expenditures thereunder for the fiscal year 1937 are authorized to be made on the basis of a total of $3,800,000 for all States under subsection (a) of section 502 and for such purpose the sum of $1,800,000 named therein shall read $2,780,000.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 105, strike out the remainder of the paragraph following the colon in line 10, and insert the following: "*Provided*, That in carrying out such part 1, the allotments to States and expenditures thereunder for the fiscal year 1937 are authorized to be made on the basis of a total of $3,800,000 for all States (as defined in such act): *Provided further*, That any allotment to a State pursuant to section 502 (b) shall not be included in computing for the purposes of subsections (a) and (b) of section 504 an amount expended or estimated to be expended by the State."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

UNITED STATES EMPLOYMENT SERVICE

For carrying out the provisions of the act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933; personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings concerned with the work of the United States Employment Service when specifically authorized by the Secretary of Labor; law books, books of reference, newspapers and periodicals, printing and binding, supplies and equipment, telegraph and telephone service, and miscellaneous expenses, $2,785,000, of which amount not to exceed $885,000 shall be available for the Veterans' Placement Service, the Farm Placement Service, District of Columbia Public Employment Center, and all other purposes, including not to exceed $197,500 for personal services in the Department in the District of Columbia, and not more than $1,900,000 shall be available for apportionment among the several States: *Provided*, That the conditional indefinite appropriation to supply the Government's apportionments to States qualifying under said act for the first time provided for in Appropriation Act of March 22, 1935 (49 Stat. 104), shall continue available for the fiscal year 1937.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the chairman of the Subcommittee on Appropriations a question. The appropriation for the Employment Service of the Department of Labor for the year 1936 was $3,200,000. The Budget estimate for 1937 was $4,000,000. The committee allowed $2,785,000, which is less than the amount of money appropriated for 1936.

Mr. Chairman, the Employment Service, especially in these days of unemployment, it seems to me, is the most valuable arm that the Government has. I shall not offer an amendment, because I feel sure that the chairman of the Subcommittee on Appropriations has gone quite far with us today in connection with allowing liberal appropriations, and therefore I do not want to embarrass him. I think the Senate will put it back to $4,000,000. May I inquire what the reason of the committee was for cutting this appropriation for the next year below what it was the past year?

Mr. McMILLAN. I may say, Mr. Chairman, in reply to my delightful friend from Massachusetts who is making the inquiry, that the Budget recommended $4,000,000, because that is the authorized amount. This was the amount authorized by the Wagner-Peyser Act. The fact that the committee did not recommend that amount here is due to the record showing that the Employment Service has on hand at the present time the sum of $1,100,000 that has been apportioned to the States but not used by them. On the 1st of next July, coincident with the availability of this appropriation, this sum of $1,100,000 will be reapportioned among all the States.

As the gentleman knows, these funds are apportioned to the States under certain conditions and regulations. Going back just a little for the purpose of explaining the item, one-fourth of the $4,000,000 estimated by the Budget and authorized by law, or $1,000,000, is intended to take care of the administrative expenses incident to the act. This would leave $3,000,000 to be apportioned to the several States. Insofar as this apportionment is concerned, certain rules and regulations are laid down for the States before they may secure the funds. They have to qualify under the rules. I believe there are 35 States which have qualified and 15 or 16 States and Territories have not as yet qualified. Consequently, there is the sum of $1,100,000 that has not been apportioned by reason of the failure of these States to qualify. While next year the other States may come along and in the course of the year qualify under these terms, in view of the fact there is $1,100,000 still unexpended and is ready to be reapportioned, the committee has provided $1,900,000 additional in this bill, which, added to the $1,100,000, will make $3,000,000 available for grants to the States in the next fiscal year.

In addition to the $1,900,000 for grants to States, $885,000 has been provided for administrative expenses and costs of the veterans' placement, farm placement, and other special services. This explains how we arrived at the total of $2,785,000.

Mr. CONNERY. Would it not be wiser to leave it at the $3,200,000? Would the chairman accept an amendment to put it to the place where it was last year; not go up to the $4,000,000, but $3,200,000?

Mr. McMILLAN. I do not think so.

[Here the gavel fell.]

Mr. KVALE. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may have 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONNERY. Even with the amount of money unexpended, to which the gentleman referred, suppose the 10 or 12 States come in during the coming fiscal year; what then?

Mr. McMILLAN. If they should come in, there will be a sufficient amount of money. In view of the facts brought out before the committee I do not think it is necessary to increase it at all.

The situation is just this: If all 48 States qualified under the terms of the act when the first appropriation was made 2 years ago, and if each State at that time and each year since had availed of all of the money they were entitled to receive, there would be no money in this jackpot to reapportion among all the States. The fact is, however, that all States have not qualified, and only six of them have taken all the money to which they were entitled. So it is we find that there is a nest egg here of $1,100,000 that represents moneys apportioned to the States, but not used by them. Now, instead of giving the Employment Service $3,000,000 for grants to the States plus this $1,100,000, or a total of

$4,100,000, we simply propose to give what the law authorizes, namely, $3,000,000, and thus save $1,100,000 to the Government. It seems to me that this is a most fair and equitable arrangement.

Mr. CONNERY. I shall not offer an amendment because the gentleman has been very generous.

Mr. KVALE. Will the gentleman yield?

Mr. CONNERY. I yield to the gentleman from Minnesota.

Mr. KVALE. This matter of the $1,100,000 to which the gentleman refers as being unexpended, does not help us in my State. We find we are handicapped by being restricted in the use of the funds and the appropriation has resulted in the closing down of one after the other of the county offices where these records have been laboriously built up. We have begun to depend on this service and now find ourselves without it. I think that is what the gentleman from Massachusetts refers to.

Mr. McMILLAN. I think the gentleman is referring to the State reemployment service provided for by emergency funds. I can assure the gentleman from Minnesota that his State will get their proportionate share of the $3,000,000 that will be available on July 1, 1936, under this appropriation.

Mr. KVALE. But the service has been inadequate, and we have had to curtail it instead of building it up. As we built up these records and qualified we find ourselves unable to use them.

Mr. McMILLAN. In many of the States that have not qualified they, too, are in the same position; and, as a matter of fact, in worse shape than the gentleman's State.

[Here the gavel fell.]

The Clerk read as follows:

BITUMINOUS COAL LABOR BOARD

Salaries and expenses: For three Board members and other personal services in the District of Columbia and elsewhere, and for all other necessary expenditures of the Bituminous Coal Labor Board in performing the duties imposed upon said Board by the Bituminous Coal Conservation Act of 1935, including supplies, stationery, telephone service, telegrams, furniture, office equipment, travel expenses, and contract stenographic reporting services, $79,300.

Mr. RANDOLPH. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: On page 109, line 20, strike out "$79,300" and insert in lieu thereof "$160,000."

Mr. RANDOLPH. Mr. Chairman, I rise at this time because I am peculiarly and particularly interested in this item of the pending bill.

Of course, I represent, together with my five Democratic colleagues in the House, the State of West Virginia, which is the largest bituminous coal producing State in the United States at the present time.

You will recall that when the supplemental appropriation bill was brought in during the present session of the Congress there was an amendment offered by the gentleman from New York [Mr. TABER] to strike out the salaries necessary to carry on the Bituminous Coal Commission itself. I recall that at that time the distinguished gentleman from Massachusetts [Mr. McCORMACK], who originally voted against the Guffey coal bill, on that occasion when it was desired to strike out the appropriation to carry on the Commission, rose on this floor and said that even though he was against the act itself, after it had been passed it certainly should be carried out in all its parts. You will recall that Mr. TABER'S motion upon that occasion, on January 24 of the present year, was defeated in committee, while the supplemental appropriation bill was being considered, by a vote of 70 noes to 29 ayes.

I am very certain that the fairness of my distinguished colleague, the chairman of the subcommittee here today, will cause him to bring to our attention this fact, that this appropriation is for the carrying on of the mediating body, which is the Bituminous Coal Labor Board, by providing the money for the salaries and other expenses which are actually needed in order to function.

I regret the committee has brought in a report in connection with this item which uses this language:

The life of this mediating Board is contingent upon the decision of the Supreme Court in the so-called Carter case now pending before it to test the constitutionality of the Guffey-Snyder Coal Act.

Certainly the Members of this House never pass legislation with the idea of such legislation being declared unconstitutional. It would be an admission on our part if we failed to carry forward the appropriations for any part of the Commission or Board, because of such a contingency.

Let me repeat the words of the gentleman from Virginia [Mr. WOODRUM], who was in charge of the supplemental appropriation bill, when, in referring to the gentleman from New York, he said:

Mr. Chairman, this is a new departure in legislative procedure when the House of Representatives undertakes to anticipate the action of the Supreme Court and thereby withhold appropriations from institutions.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. CONNERY. What will the gentleman's amendment do?

Mr. RANDOLPH. The amendment simply puts in the bill the amount which the Budget has allowed of $165,000 to carry on the work and pay the salaries and operating expenses of the Bituminous Coal Labor Board.

Mr. CONNERY. Set up under the Guffey bill?

Mr. RANDOLPH. Yes; for the year 1937, and in the report it is stated that the committee has cut the estimate for operating expenses about 50 percent.

I say that in all fairness the committee should vote today as the committee did when the gentleman from Virginia [Mr. WOODRUM] had his appropriation bill here, when salaries were allowed for the Bituminous Coal Commission. Today they should be allowed for the members of the Bituminous Coal Labor Board. The two fit in and work together in carrying forward the Guffey-Snyder Coal Act, and I am certain that the fairness of the chairman of the subcommittee will cause him to rise and accept the amendment, or if he does not see his way clear to do that, the Members on the floor today will carry forward what it has vitally needed and adopt my amendment. [Applause.]

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, our friend the gentleman from West Virginia has made a mighty good speech. I have enjoyed it, but I desire at this time, before entering into the matter of the particular amendment which he has offered, to state that just a couple of months ago, when we brought in the Treasury-Post Office appropriation bill the question arose as to the funds necessary to provide for the administration of the Potato Act. I may call the gentleman's attention to the fact that the House declined to include such funds for the very reason the committee at this time has declined to take the action suggested by the gentleman in this matter. However, I may say to my friend that we did go 50 percent better than we did in the potato case, because in this matter we have at least provided funds sufficient to take care of the administration of the act in the event it is declared constitutional, until next January, when Congress will be back here and can make a reappraisal of the need for funds.

The situation in respect of this matter is this: Everybody knows that the question of the constitutionality of the Guffey bill is now pending in the Supreme Court and a decision, perhaps, will be rendered in the case in a few weeks.

Now, when these men came before us they did not have any definite program set up. They did not know just what would be necessary. They estimated as best they could what they thought would be necessary, but in view of the fact that the decision of the Supreme Court will be handed down within a few weeks, certainly there is enough money here, according to their own estimate, to take care of the administration of the law until next January, when we come back in the next session of Congress.

Mr. RANDOLPH. Will the gentleman yield?

Mr. McMILLAN. Yes; but I want to say that I am not adverse to the gentleman's proposition, nor am I unsympathetic to the need of providing adequate appropriations, but we can go along, and I am satisfied that without any trouble these funds we are providing will be more than sufficient until next January.

Mr. RANDOLPH. I want to say once more that the membership of the Committee, the Members of this House, will put themselves in a position which is improper if they fail to adequately provide for this Board set up under a legislative act.

Mr. McMILLAN. We are not providing legislative authority for a board to be set up; we are only providing funds for the expenses, on the Board's estimate, to take care of the administration of the law until next January.

Mr. RANDOLPH. It is my understanding that the estimates placed by those who are administering the Board are $165,000, and not $81,800, as placed in the bill. Funds unused if the act was unconstitutional would be returned to the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. RANDOLPH) there were 25 ayes and 35 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. No part of the money appropriated under this act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word. For some years my honored and beloved colleague, Hon. WILLIAM B. OLIVER, of Alabama, has been chairman of the subcommittee which has charge of the pending bill. It has been a matter of deep grief and regret to all of us that on account of a temporary indisposition he has been compelled to forego his duties here in the Congress of the United States. He will not be a candidate for reelection to the House, and I am sure that my distinguished absent colleague will carry away from this body the universal love and respect and admiration of every Member on both sides of the aisle with whom he has served in the past. [Applause.] It will be very comforting and heartening to him, in the period of his illness to have had this manifestation which you have just given of the genuine love and respect in which he is held by the entire membership of this body, and your recognition of the great service he has rendered to the Congress and the country during the 26 years of distinguished service in this body.

Fortunately for the Congress and the interests of the country, he has been succeeded in his position by our distinguished colleague from South Carolina [Mr. McMILLAN]. [Applause.] And I rise to pay tribute of admiration as well as commendation to the present chairman of that subcommittee as well as to his associates on the subcommittee, upon both sides of the aisle, for the very splendid and efficient work they have done in the discharge of their duties in reporting and passing this bill. This is a bill making appropriations for four of the great coordinate departments of the Government, and in the discharge of the duties of a committee looking into all of the intricate ramifications and details of a bill of this character, infinite patience, perseverance, and persistence is required as well as good judgment. It is rather remarkable, however, that the hearings on the bill have been so well considered by the subcommittee before bringing it to the floor of the House, containing, as it does, 100 pages and more, that we have passed it under the 5-minute rule really in a very few hours and without any substantial amendment whatever. And it is a further evidence of the desire of this subcommittee to reduce the expenditures of the Government as far as possible, by the sum of $9,000,000 under the Budget estimates for these appropriations. [Applause.]

I do not want to be fulsome, and I never am, in my praise of men here on this floor, but I say to you in all candor that one of the chief compensations we have here in our service in this body is to have occasional words of praise and appreciation with reference to our duties, and I have thought it only proper, and I trust you will think it pertinent, that I have paid this small tribute to the chairman of this subcommittee and to those who have acted with him on this bill. [Applause.]

Mr. BACON. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BACON. Mr. Chairman, I thank the distinguished majority leader for the kind words that he has said about my chairman and about the members of this subcommittee. I have served for 14 years in this House with Mr. OLIVER, of Alabama, and for some 6 years as a member of the same subcommittee, of which subcommittee he later was chairman. I am glad to tell the members of this committee that in the course of my entire service with Mr. OLIVER there never has been a single partisan question raised in our subcommittee. [Applause.] We have tried, and I think that is universal on the Appropriations Committee, to look at the fiscal affairs of the Government purely from the point of view of the Government itself, and not from any partisan consideration. I regret very much that Mr. OLIVER's illness is going to prevent his standing again for reelection. He has been a very able member of the Committee on Appropriations for many years, and, having served with him on this subcommittee, and also having served with him on the Deficiency Appropriations Subcommittee, I can testify as a Republican that he has been always efficient and particularly courteous to the minority members. Never once has he tried to shut us off from full and free questioning of the witnesses. I regret very much to hear that he will no longer be with us.

As for our new chairman, I think that everything that I have said about Mr. OLIVER applies to Mr. McMILLAN. He is a very worthy successor. [Applause.] We have been struggling for between 7 and 8 weeks now, every day, including most of the Saturdays, on this bill, and in this entire winter there has never been a difference of opinion between Mr. McMILLAN and myself, either personally or in a partisan way.

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McMILLAN. Mr. Chairman, of course, I am very grateful to the majority leader, the gentleman from Alabama [Mr. BANKHEAD] and to my colleague from New York [Mr. BACON], the ranking minority member of my subcommittee, for the very kind remarks they have made in connection with my service as chairman of this subcommittee.

On yesterday during my remarks in explanation of the bill I undertook, in an humble way, to pay my respects to the gentleman from Alabama [Mr. OLIVER], who has for so many years served with such great distinction and ability in this House. It is a regret to every member of the committee and, I am sure, to every Member of this House to lose his services. In the future, as in the past few weeks, as chairman of this subcommittee I shall always look for Mr. OLIVER at the head of the table. It is a great regret on my part that he is no longer with us.

Mr. Chairman, I do want to say just a word to the gentleman from Alabama [Mr. BANKHEAD] and to the gentleman from New York [Mr. BACON]—that I am very, very grateful to them for the very kind remarks they have made in connection with my service. I want to assure every Member of the House that it is a pleasure to have served in this capacity, and it is a great pride to me today to have my bill go through in the way it has. I am very grateful to you. [Applause.]

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HARLAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 12098) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1937, and for other purposes, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. McMILLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

HON. ADOLPH J. SABATH

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I was delighted a few moments ago to hear our distinguished majority leader, Mr. BANKHEAD, pay an eloquent and richly deserved tribute to our colleague, Mr. OLIVER, of Alabama. Such kind words of sincere friendship and admiration are a wonderful inspiration and a dearly cherished feature of our lives. Expressions of that kind lighten our frightfully onerous and strenuous service, and go a long ways. On this occasion I take pleasure in calling the attention of the House to the fact that tomorrow the dean of this House, the distinguished gentleman from Illinois [Mr. SABATH], will reach the period of threescore years and ten, his seventieth birthday. [Applause.]

It has been a genuine delight for me to have served with Mr. SABATH for nearly 28 consecutive years in this House. His services here have been characterized by a high order of American citizenship, by exceptionally efficient and distinguished statesmanship. He has served his great State loyally and well. He has done a world of patriotic and public-spirited good work during these past 30 years that he is now rounding out in this House. He has the admiration and respect of the entire House. During the entire history of our Government, from the time the first Congress met on March 4, 1789, in New York, we have had almost exactly 10,000 Members of the House of Representatives. Of all those 10,000 Members, our colleague from Illinois [Mr. SABATH] is the only Member of foreign birth who has ever served 30 years in the Congress of the United States. [Applause.]

We have had a thousand distinguished men in this House who were born in foreign lands, but the gentleman from Illinois has the rare distinction of being the only one of all of them who has honorably represented our country in the Congress of the United States for 30 years. I feel that is something he and this House have a right to be proud of. In fact, the American Republic has a right to be proud, because it sets a high and encouraging example. It holds out a hope and an inspiration to all other citizens of our country who have come from foreign lands.

I may say that the gentleman's brother, as judge of the domestic relations court in Chicago, has had a most distinguished career. For 30 years he has made a world's record of beneficent services to troubled humanity. I know we all hope that ADOLPH SABATH may have good health and be spared for many more years of membership in this House.

Mr. FULLER. Mr. Speaker, during my service in Congress I have been thrown in close contact with ADOLPHUS SABATH, a distinguished Member of this House, who has had 30 years of continuous and able service in which he has reflected credit upon himself and the position with which he has been honored. Although he is a Representative from a great city he has always been interested in agriculture, labor, and industry. His every act, every thought, and every heartbeat has been in the interest of his country and those in distress. He is one of the hardest working Members of this body and one of the most conscientious and patriotic citizens with whom I have ever come in contact. I have never known of a more loyal party man. To him it is almost impossible for his party or his friends to do wrong. He possesses and demonstrates the highest principles of statesmanship. For almost 2 years I have served as vice chairman, under him, of what is known as the Sabath real-estate bond investigating committee. It is almost entirely due to his untiring efforts that multiplied millions of dollars have been saved to bondholders, most of whom are in need and have invested their life's savings in these bonds. Often have I sent him home when he was physically exhausted working in their behalf. One of his greatest faults is taking his responsibilities too seriously, often to the impairment of his health.

He is a striking example of what a poor boy of foreign birth can accomplish in America. He knows what it is to feel the pangs of hunger and to long for the friendly voice or handshake of a friend. He knows the rough and rugged road one travels from obscurity to a position of honor and esteem. He never forgets those who have befriended him. He is an untiring worker not only for the constituency of his district but for the city of Chicago and the State of Illinois.

May he live long in this land he loves, surrounded by his loved ones and friends. May the winter of his age be as green as spring, as full of blossoms as summer, and as generous as autumn. May all of this period of his life be spent in the Halls of Congress, an honor he so richly deserves. When at last the fires of life grow dim, may the memory of his wonderful achievements in Congress, in behalf of his constituency and all America, fill his soul with peace and perfect joy.

I am sure it is the profound wish of every Member of this House that he enjoy good health, happiness, and heaven's richest and best gifts during his journey through life.

DISTINCTIVE CAREER OF CONGRESSMAN SABATH A CREDIT TO HIS PEOPLE AND TO OUR NATION

Mr. MAVERICK. Mr. Speaker, I would like to add a few words in tribute to the service of our beloved colleague from Illinois [Mr. SABATH], who, when I came to Congress, was so kind to me as a new Member. I have asked favors of him time after time, and he has been patient and sympathetic. I have always appreciated it.

I want also to add that his career is distinctive of the United States of America. As is well known, he was born in Bohemia, a foreign country, and is of Jewish blood. His life demonstrates that, after all, the American people are not prejudiced against a man because he is of foreign birth. It also singles out the United States of America as a nation tolerant of a man of Jewish extraction serving in the chamber of deputies, the parliament, the Congress, or the lawmaking body of the Nation. He has been a shining light to his own people and an example to the race from which he sprang. He has also been a shining light to the American people.

He is honest, sincere, and has never cared for riches. He has preferred to serve his country and humanity simply, fairly, and courageously.

As a new Member of Congress and as a Member of Congress from the far, great State of Texas, I add my praise of a man who has given this Nation more than a generation of faithful, patriotic service. [Applause.]

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, to one who is a newcomer in the field of public service there is a great element of inspiration in the life of our distinguished colleague from the State of Illinois, my good friend, Mr. SABATH. As you reflect upon his whole existence you get a better idea of the fluidity and the speed with which history passes. He was born in the old country only 4 or 5 years before Germany had vanquished France and heaped upon that prostrate country a great indemnity which was really the seed for the World War. He was born just a year after Lee surrendered his sword to Grant at Appomattox; and from the date of his birth and from the time he came to this country as a lad, he has seen the swift-moving panorama of history and has been identified with that portion of American history which is glorious indeed. He came here under an illustrious Roosevelt and we honor him today under another Roosevelt.

I am glad to add my little meed of praise to the service he has rendered to his constituency, to the State of Illinois, and to the people of the United States.

It was my good fortune to serve during the Seventy-third and Seventy-fourth Congresses on the Select Committee Investigating Real-Estate Reorganizations, of which he is the distinguished chairman. I know with what vigor and energy he has applied himself to this work. I know, too, the tax that work has been upon his vitality. No person can go through daily hearings morning and afternoon and then sit in the smoke-filled room in some hotel in a city distant from home pouring over records to prepare for the morrow without having some high regard for the energy, the vigor, and the sincerity with which he has addressed himself to a task that was assigned to him by the Congress of the United States.

He has been a faithful and diligent public servant, and as one of his colleagues from the State of Illinois and from the Republican side of the aisle, it is really a privilege and a pleasure to add my meed of praise to his record of public service today. His has been a distinguished and praiseworthy career.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, I am going to object to every speech after this. This is turning out to be a mutual admiration society.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Mr. Speaker, I feel that these eulogies of my very dear friend, the distinguished gentleman from Illinois [Mr. SABATH] would not be complete if I did not speak on behalf of the entire Democratic delegation from New England as the senior of that delegation, in paying a tribute to him the eve of his seventieth birthday and congratulating him upon having served 30 years in the Congress of the United States. Any Member who has served for even 1 year knows the strain, mentally and physically, which devolves upon every Member of this House. When we consider that ADOLPH SABATH has survived 30 years in Congress through all its legislative battles and through all of the legislative trials and tribulations which he must have undergone, and we look at him today, his fine, hale, and hearty physique, we are all happy that he is with us. I want to congratulate him on behalf of the New England Democratic delegation and to speak the thoughts of every Member of that delegation in wishing him many, many happy, successful, and healthful years. Ad multos annos. [Applause.]

Mr. BLANTON. Mr. Speaker, I served with the gentleman from Illinois 20 years in this House. No man here has a more genial and delightful personality. I believe that I speak the sentiments of the House when I say that everyone who has served with ADOLPH SABATH is his friend. I do not know of an enemy that he has made in this House and in serving 30 years that is quite an accomplishment.

I think that ADOLPH SABATH is a remarkable Representative of the people. He has not only been a faithful friend of agriculture, but he has been an active farmer himself. He has been one of the great producers of this Nation, and I want to add my humble word of praise to that which others have expressed. [Applause.]

Mr. BYRNS. Mr. Speaker, I wish to express my hearty approval of what has been said in regard to the services of the Honorable A. J. SABATH, of the Fifth District of the State of Illinois.

There is no one in the House who enjoys to a greater extent the respect and the confidence of his colleagues. Neither has anyone ever served his district and his country with greater ability and greater loyalty. He was a Member of the House when I first came to Congress, and for many years has enjoyed the distinction of being one of its leaders. During that time he has not only served as a member of many of its important permanent committees but he has been appointed on a number of important special committees, and is now serving as chairman of the special committee which is investigating the issuance and the pyramiding of bonds upon hotels, apartment houses, and other large buildings in various cities of the country. It can be truly said that by his earnest, able, and conscientious work as chairman of this committee he has saved many millions of dollars to the small investor, and if he had done nothing else as a Member of Congress this accomplishment makes his career a notable one.

The fact that he is also chairman of the steering committee is a further mark of confidence and esteem which his colleagues hold for him.

He has always been loyal to his party and to his administration, and the House loves and admires him because of his loyalty to every obligation and his very earnest, active attention to his duties.

I take pleasure in paying this brief tribute to the distinguished service which he has rendered as one of the leaders of the House, and to express the hope that he may be spared for many years to come in the service of his constituents and his country. [Applause.]

Mr. DOBBINS. Mr. Speaker, I certainly do not wish to let pass this opportunity to felicitate our beloved and respected colleague from my own State upon his reaching such an important milestone in his busy and useful life. Now, I want to say to all of you that which I have heretofore said privately and to smaller groups of our Members. ADOLPH SABATH deserves the congratulations of all of us for a record of worthy accomplishment. That record, if we are to judge from his undiminished mental vigor and his fortunate state of health, as well as from the approving regard of his constituents, is one which we may confidently expect to be enlarged to by the addition of many more years to his long period of devoted public service.

One of the commendable qualities possessed in a rare degree by the dean of this House is his willingness to share without stint the benefits of his long experience and his familiarity with public affairs among the younger Members who feel the need of his counsel. Few of us have failed to profit by that generous spirit; and I, for one, wish to make public acknowledgment of my indebtedness to him in that respect, as well as in many, many other ways.

We may well congratulate our colleague upon this propitious birthday; and I think all of you join with me in the happy belief that Judge SABATH is surely destined to have his years of active and outstanding service in this House extended beyond the time that any Member has served here since the birth of the Republic.

Mr. PATMAN. Mr. Speaker, very few men in the history of this country have ever had the pleasure and privilege of rendering such noble and distinguished service to our country as the Honorable ADOLPH J. SABATH, who today reached his seventieth birthday. As one of his colleagues I desire to congratulate him. I also congratulate his constituents for their selection of such an able and courageous man to represent them in the United States Congress. Judge SABATH, as he is known by his colleagues, is dean of the House, having served in the House of Representatives longer than any other one person. As he was a distinguished judge in the great

city of Chicago for a number of years, his background is ideal for the type of service that a Member of Congress is called upon to render. The country is fortunate in having a man of his ability, foresight, and knowledge in the House of Representatives.

Judge SABATH, whose every heart throb and pulse beat is with the plain people of this country, is a friend of the worker and the poor people. He is a friend of veterans of all wars and their dependents. Judge SABATH was a member of the steering committee for the passage of H. R. 1, known as the bill to pay three and one-half million World War veterans the remainder due on their adjusted-service certificates. He was a member of that committee for a number of years and at the many conferences and meetings of this committee, of which I was chairman, Judge SABATH was seldom absent. His advice and counsel were relied upon by the other members of that committee in our efforts to go in the direction of the best and most effective results. Our efforts were finally crowned with victory and no other Member of this House is entitled to more credit for the payment of these certificates to the World War veterans than is Judge SABATH.

Again, I congratulate him on his 70 years of good living, right thinking, and able and courageous service.

Mr. THOMPSON. Mr. Speaker, owing to an important hearing of my committee, Ways and Means, on the pending tax legislation, it was not possible for me to be in the Chamber during the closing minutes of today's session, at which time many of our colleagues paid honor to the distinguished gentleman from Illinois, the dean of this House, ADOLPH J. SABATH. I would have liked to have obtained a few minutes to voice my high regard for him and tell this body about the respect the people of the great State of Illinois have for our leader from the Fifth District of my State.

Mr. SABATH has just passed his seventieth birthday and is now serving his thirtieth consecutive year in the House of Representatives, a record never before attained by a foreign-born Member of the House. He has thus served here during peace, during war, during the reconstruction period following the close of the World War, during the "wild" twenties, during the depression, and during the present recovery period. He has seen at firsthand real history in the making and I know is exceptionally proud of the fact that it was his privilege to play such an active part in it all.

It is certain that the United States is a greater Nation, a more potent influence in world affairs, because of the service of ADOLPH SABATH of the great city of Chicago. ADOLPH SABATH never sold his country "short" and was always on the side of patriotic Americanism and righteousness for all the people. He has sponsored much progressive legislation during his many years of service in this House, and his name will go down in the archives of this, the greatest legislative body in all the world, as one of its outstanding Members. He has served on the most important committees and all such service has been most effective. He has never been found wanting or hesitating when the welfare of his adopted land was at stake, and has often raised, effectively, his voice in defense or in opposition to policies of Government as he saw them. Yes, Mr. Speaker, the dignity of this branch of our Government has been enhanced because of Mr. SABATH's long service in it. And I speak for the entire Illinois delegation here when I say that we all hope that he will be here many more years in order that the Nation can continue to have the benefit of his wisdom and rare legislative ability.

While Mr. SABATH has been in Congress for the past 30 years, and necessarily absent from his home city of Chicago a greater part of that time, he has nevertheless kept in very close touch with affairs in that great city, and especially with the people in his own section of the great metropolis on Lake Michigan. He has long been a recognized leader there and his advice and counsel has been sought by civic leaders for the last 40 or 50 years, or since he attained his majority. Before coming to Congress he served with much honor and distinction upon the bench in his chosen city, a position which is now occupied by his brother. No task, no job, no effort has been too great for ADOLPH SABATH to tackle if he thought it would be for the benefit of his people, his city, his State, or his Nation. His own people have been coming to him for advice for many years, and he is the real leader in his section of Chicago. He understands the problems, hardships, and handicaps of the poor of a great city, many of whom, like himself, came to the United States from a foreign shore. The name Sabath is legend in Chicago, and with all respect to other members of his fine family, our colleague here in the House is the reason therefor. This man has surely lived a busy, useful life, and the manner in which he has stood up under it is the marvel of his many friends and associates. Mr. SABATH is the head of a large and successful law firm with offices in Chicago, and has, in addition to his fine services in the Congress, attained much prominence in his chosen profession. Chicago is one of the greatest cities in all the world, and it has been leaders like ADOLPH J. SABATH that has made it such.

Not only has our dean given a lifetime to his Nation, his adopted country, but he has not neglected the Democratic Party, with which he became identified early in his career. He has been a member of the Democratic County Committee of Cook County for over 40 years and has thus been high in the councils of his party for most of that time. He is still a member of that committee, and if I know anything about practical politics in my State, he will be for many years to come. With all his service here in the House, he has not forgotten the people who live in his district and his ward on the west side of Chicago. With all his contact, official contact with high officials of the United States, and the solving of the problems of a great National Government, he has not neglected his own neighbors and friends at home. They have not and never will forget him; make certain of that; and when I make the statement that A. J. SABATH will be here many years yet and also be a most vital part of the democracy of the third largest State in the Union, Illinois, I think I know whereof I speak. Mr. SABATH's political activity has not been confined solely to his own ward, district, city, county, or State, but he has taken a most active part in the affairs of the Democratic Party nationally and is frequently in consultation with leaders from throughout the country.

I do not believe that another individual has done as much toward swinging the foreign vote in the great metropolitan centers of the Nation toward the party of which he and I are a part as Mr. SABATH, and a good many of my friends of the Democratic side of the House received much larger majorities in their own districts at various elections because of the effective work done by the gentleman from Illinois among the foreign born and those of immediate foreign extraction. He has always been at the service of his party wherever and whenever possible.

Mr. Speaker, several gentlemen spoke about Mr. SABATH today, and on behalf of the Illinois Democratic delegation, the third largest in this House, I want to thank them. I have always thought it much better to "send flowers to the living instead of to the dead", and I know of no better subject of such felicitations than the dean of this House, now 70 years young and in his thirtieth consecutive year in this great legislative body.

A statesman, a friend, an able legislator, a good citizen, may he be spared to us for many, many more years.

ADJOURNMENT OVER

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CITRON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SABATH rose.

The SPEAKER. Will the gentleman from Connecticut yield to the gentleman from Illinois?

Mr. CITRON. I yield to the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, ladies, and gentlemen, I would not be honest with myself nor with the Members if I did not admit that I greatly appreciate the complimentary remarks that have just been made, on the occasion of my seventieth birthday, about me and my 30 years' service in the House. I want you to know that I am sincere when I say that I have always tried, since first entering the House, to be of real service to a great Nation which gave such wonderful opportunities to me and to millions of others. Like many of them, I came from a land that had suffered much, to find in the United States a country offering liberty, freedom of thought, and opportunity. All my life I have lived among the poorest of people. Because I know what it is to want, and what it means to suffer, I can never forget these people, and during later years, when by their will I represented them in Congress, I was ever mindful of their needs, their hardships, and their problems.

I have always been proud to be a Member of Congress, and have declined other public offices, even though more highly paid. It has been my honor to serve with such outstanding gentlemen as the late Champ Clark, John Sharp Williams, Claude Kitchin, Bourke Cochran, and Henry T. Rainey on the Democratic side and with "Uncle Joe" Cannon, Nicholas Longworth, Jim Sherman, Sereno E. Payne, John Dalzell, and James R. Mann on the Republican side, as well as with hundreds of other able and fearless legislators. All of them at one time or another were subjected to criticism and attack. I have naturally resented the charges that have been brought against Congress, particularly during the past few years, and as one who has served 30 years I think I am qualified to judge as to the loyalty, honesty, and ability of this Congress. In that connection may I say that I consider the membership of this body more truly patriotic, able, honest, and sincere than any group of people in the Nation, whether they be leaders of industry, of finance, or of any of the professions.

The gentleman from Arkansas [Mr. FULLER] states that I have always been an ardent Democrat. That is true. I have studied the history of our Nation, and, in my opinion, the principles of the Democratic Party as set down by Jefferson, its founder, show a more humane understanding of the problems of the poor and the oppressed. I have always felt that the Democratic Party is nearer to the people than any other.

Mr. Speaker, ladies, and gentlemen, I thank you from the bottom of my heart for the expressions of friendship from both sides of the House. It is something I will remember in the years to come. I hope it will be my honor and distinction to continue to serve my country.

May I also express the wish that my old friends, ED TAYLOR and the Speaker, as well as those other Members who have been so kind as to speak of me today, and the other Members present, equal or surpass my 30 years of service. [Applause.]

EXTENSION OF REMARKS

Mr. BANKHEAD. Mr. Speaker, it has been suggested that there may be other Members of the House who would desire to pay a tribute of respect to our colleague from Illinois. May I therefore ask unanimous consent that all Members may revise and extend their remarks in the RECORD at this point?

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. The gentleman from Connecticut is recognized for 5 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

The SPEAKER. The gentleman was granted unanimous consent to address the House for 5 minutes.

Mr. ZIONCHECK. But the gentleman yielded to the gentleman from Illinois [Mr. SABATH].

The SPEAKER. The House granted 5 minutes to the gentleman from Connecticut, and the gentleman out of deference yielded to the gentleman from Illinois.

Mr. ZIONCHECK. I think it is inappropriate to talk about textiles after a day like this.

The SPEAKER. The gentleman is entitled to talk about anything he pleases within the rules of the House. The House has granted him 5 minutes, and the Chair proposes to see that the gentleman gets 5 minutes.

Mr. CITRON. Mr. Speaker, on March 26, 1936, I protested to the Secretary of State about the reported increase in the importations of cotton goods from Japan. Today I received a letter from the Secretary of State, which is as follows:

DEPARTMENT OF STATE,
Washington, April 2, 1936.

The Honorable WILLIAM M. CITRON,
House of Representatives.

MY DEAR MR. CITRON: I am glad to acknowledge the receipt of your letter of March 26, 1936, covering a copy of a letter of March 25 which you have received from Mr. Russell T. Fisher, secretary of the National Association of Cotton Manufacturers, Boston, Mass., with regard to the increased importations of certain cotton textiles from Japan in January 1936, together with a mimeographed copy of a letter of the Cotton Textile Institute of New York City on the same subject. I have noted these communications with care, and particularly your own emphatic protest against the increased importation of Japanese cotton goods.

Importations of cotton-piece goods from Japan did increase markedly in January as compared with the rate of importation of these goods from Japan during the last 6 months of 1935. In view of the assurances given by representatives of the Japanese Government to this Department in December, the January figures of imports from Japan were brought to the attention of the Japanese Ambassador just as soon as they were available, and the Japanese Embassy took the matter up immediately with the Foreign Office in Tokyo. I am sure that the question is being given serious consideration by the Japanese Government. We are awaiting a definite response to our representations and it is our hope that the Japanese will be able voluntarily to control this situation. Should this prove impossible, then we shall certainly give further consideration to the entire problem. You can rest assured that very close attention and study is being given to this matter by this Department and by other interested agencies of the Government.

For your convenience, I enclose a copy of the press release of December 21, 1935, relative to the assurances of the Japanese Government regarding voluntary restriction by the Japanese exporters of their shipments of cotton textiles to the United States.

Sincerely yours,

CORDELL HULL.

Mr. Speaker, I ask unanimous consent to incorporate in the RECORD as a part of my remarks an enclosed release given out by the Honorable Cordell Hull on December 21, 1935.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The matter referred to follows:

RELEASE FOR PUBLICATION

DEPARTMENT OF STATE,
December 21, 1935.

The Japanese Ambassador called on Mr. Francis B. Sayre, Assistant Secretary of State, on December 21, 1935, with reference to the suggestion which had been made by the Department of State that some agreement be reached providing for voluntary control by Japanese exporters of their shipments of cotton textiles to the United States.

The Ambassador informed Mr. Sayre that his Government authorized him to say that Japanese manufacturers and exporters of cotton textiles have decided voluntarily to restrict their exports to the United States. He said further that this self-imposed restriction of shipments to the American market is already in force and that in view of the assurance of the Japanese exporters that they would continue to hold such shipments to moderate levels, there is little likelihood of a repetition of such abnormal increases in exports of cotton textiles to the United States as occurred during the first 6 months of 1935.

The statistics of United States imports of cotton piece goods from Japan during the first 10 months of 1935 are given in the following table, the statistics of general imports indicating the amounts of Japanese cotton cloth actually arriving in American ports, and statistics of imports for consumption indicating the amounts of cloth actually cleared through customs and therefore available for consumption in the United States.

Date	General imports		Imports for consumption	
	Quantity	Value	Quantity	Value
1935	*Thousands of square yards*	*Thousands of dollars*	*Thousands of square yards*	*Thousands of dollars*
January	3,686	180	3,341	157
February	5,744	295	4,855	241
March	7,292	379	4,576	244
April	4,569	227	3,170	160
May	6,698	343	3,186	148
June	5,663	276	2,363	108
July	1,911	89	1,588	77
August	2,407	103	1,896	81
September	1,038	62	2,265	105
October	3,521	146	3,668	162
Total	42,530	2,100	30,907	1,482

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

TAXATION

Mr. PETTENGILL. Mr. Speaker, in considering the proposed tax bill last night it suddenly occurred to me that there is a fundamental flaw in the proposal, so extraordinary that it seems the attention of the Congress should be called to it at the very threshold of our investigation or consideration of the matter.

At the President's request the Ways and Means Committee is considering a tax proposal for the express purpose of raising sufficient revenue to meet the ordinary needs of the Treasury for the fiscal year 1937 and an extraordinary deficiency caused by circumstances over which we have no present control.

It is because the President has asked for sufficient revenue to fulfill his purpose and because I do not think that the present proposal fulfills the President's request that I am speaking now. It is my great fear that the present proposal will not only fail to meet the deficit from 1936 but that there is the greatest danger that the present proposal sacrifices a constant and certain source of revenue.

It has been estimated by advisers to the Treasury that the present corporate tax will produce a revenue in excess of $800,000,000 for the fiscal year 1937, earned during the year 1936. I may say that I am in sympathy with the general theory of the proposal to tax corporate surpluses unreasonably withheld beyond prudent need, but under the working out of the proposal as it is now framed, it affords the corporation the opportunity to escape the corporate income tax either entirely or in large part for the payments which would ordinarily be made during the fiscal year 1937. By distributing its earnings to its stockholders the corporation escapes this tax, the thought behind the tax proposal being that dividends thus distributed will produce increased revenue through taxation in the hands of the shareholders. But our important problem is to raise adequate revenue for the fiscal year 1937.

In order to escape the 1936 corporate tax it is not necessary for the corporations to make their distributions during the year 1936. These excess distributions may be made, and probably will be made, during the first 2½ months of 1937, and the corporate tax may still be wiped out, but—and this is the thing that I want to impress upon you most seriously—if these distributions are made during the first 2½ months of 1937, they are not subject to income-tax payment until 1938. Since the dividends would be received by the stockholders during their taxable year of 1937, they could not be taxed to the stockholders for the tax year 1936, and the postponement of this taxable income to the year 1937 means that the stockholders will pay their first tax thereon in the year 1938.

I submit that such a result is so foreign to the wishes of the President in respect to the yield expected from the tax proposal that all consideration at the present time will avail nothing unless we do securely provide for the revenue when the President wants it.

The point is this: It is proposed by the Treasury to tax to the corporation only its undistributed net earnings, earned on and after January 1, 1936—assuming also that that is the beginning of the corporation's fiscal year—in lieu of all present income corporation taxation. For the calendar year 1936 the corporation cannot balance its books and determine its net earnings for the year until after December 31, 1936. The proposal provides 2½ months after December 31, 1936, to close its books and determine its earnings and make distribution to its stockholders.

If during the 2½ months, that is, January 1, 1937, to March 15, 1937, the corporation distributes to its stockholders all of its net earnings earned during 1936, the corporation is then wholly exempt from Federal income taxation for the year 1936.

The earnings determined and distributed in the 2½ months following the end of the year then, and not until then, become the property of its stockholders, and in their hands, for the first time, become subject to individual income tax. The receipt of dividends, however, takes place after January 1, 1937, and is income to the stockholder for the year 1937 rather than for the year 1936. The stockholder having received the dividend does not account for and pay taxes thereon until March 15, 1938, or after.

The collection into the Treasury of the United States of hundreds of millions of dollars, perhaps a billion dollars, is thus postponed for at least 12 months, and would throw the anticipated Budget of the Government out of balance by the amount of revenues thus postponed, if we abandon entirely, as has been proposed, the present corporation income tax. The effect of all this is to create a gap in the revenue from corporate income for an entire year, at the least, and leaves the Treasury holding an empty bag insofar as revenue from corporate income is concerned. In short, the proposal does not produce the income to the Government which was expected in 1937 until 1938. It therefore defeats the very purpose of the President, and unless this problem is solved, it does not seem possible that anyone can vote for the bill.

This defect in the proposal is so fundamental that we are losing time considering the details of the bill until this matter is met.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. PETTENGILL. I yield.

Mr. McFARLANE. I should like to know what the gentleman's suggestion is as to how we can correct the defect he has just mentioned.

Mr. PETTENGILL. This is a problem for the tax experts who are the advisers of the Congress, as well as our own problem.

Mr. McFARLANE. Has the gentleman made this suggestion to the committee?

Mr. PETTENGILL. No; I have not.

[Here the gavel fell.]

ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my remarks by including therein a letter addressed to me by Mr. Charles E. Bunnell, president of the University of Alaska, which is a land-grant college.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. DIMOND. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter addressed to me by Mr. Charles E. Bunnell, president of the University of Alaska:

COLLEGE, ALASKA,
January 30, 1936.

Hon. A. J. DIMOND,
Delegate from Alaska, Washington, D. C.

MY DEAR DELEGATE DIMOND: If the inquiries that come to my desk through the mail are a reliable guide, I must conclude that the public generally is making slow progress in becoming informed about Alaska. Although the "gold rush" days were over three decades ago, the average citizen of the United States is inclined to think of Alaska in terms of dog teams, glaciers, icebergs, polar bears, and other colorful features that have figured so prominently in the romance of the North.

Difficult as it was to roll back the western frontier, that task is not to be compared with the difficulties encountered in rolling back the northern frontier. Even though the first thousand miles of the 1,800 miles of ocean travel that separate Seattle and Seward lead the traveler through the most fascinating scenery of North America, still 1,800 miles of ocean travel are going to require at least 5 days. How gladly one would trade them for 2,000 miles of auto travel from Seattle, via British Columbia and Yukon Territory, to Fairbanks, in the very heart of Alaska, but the map shows 1,000 miles of this wonderful project represented by broken lines.

It is impossible to know any country unless one knows its physical geography. The coast of Alaska from Ketchikan to the most westerly of the Aleutian Islands is open for navigation during the entire year. Bering Sea and the Arctic Ocean are open to navigation only for a few months during the summer. The heavily moisture-laden clouds from the Japan current encounter cold-air currents from the coast range, with the result that the entire southern coast of Alaska receives heavy precipitation. Here are over 85,000,000,000, estimated, board-feet of unharvested commercial timber on the lowlands in striking contrast with the unestimated billions of tons of ice and snow that hold the highlands and summits of the mountains in a frigid coat of glistening white. On this coast in the Bering Sea are found the great fishing industries of Alaska, which produced for the year 1934 a value of approximately $42,000,000.

North of the coast range is the main Alaskan range with Mount McKinley supreme. This magnificent range, with enormous glaciers in the higher altitudes, precipitates most of the moisture from the Japan current not intercepted by the coast range, with the result that the great interior valleys of the Yukon River and its tributaries are semiarid. The southern coast of Alaska is cloudy, windy, rainy, and does not record low temperatures, while interior Alaska is clear, warm in summer, cold in winter, and for the most part without heavy winds.

In spite of all that the exact science of mathematics teaches, the tourist, irrespective of the latitude of his home, experiences great difficulty in reconciling himself to the fact that interior Alaska crowds into 100 summer days as many hours of sunshine as there are in the entire summer season of southern United States. To see the midnight sun is a thrill, but to be able to read the daily newspaper at midnight and outdoors for 60 nights each year must be experienced to be believed.

Naturally the people of Alaska have their greatest interest in the major industries, fishing, mining, and furs, which produced in 1934, $42,000,000, $17,000,000, and $2,000,000, respectively. In this same connection it is interesting to note that during the period of 1880–1934, Alaska has produced over $1,004,000,000 in fisheries, $122,000,000 in furs, and over $680,000,000 in mineral industries.

Alaska need offer no apology for her failure to develop a more thriving agriculture industry. In the "gold rush" days, so "gold minded" were the stampeders that any program of agricultural activity would have received no more than casual consideration. During the period 1900–1930 the United States Department of Agriculture through its Bureau of Insular Stations made an agricultural survey of the Territory, and determined the areas suitable for agriculture and the kinds of crops that could be grown successfully.

It takes at least a generation for people in a mining country to recognize agriculture as an industry worthy of consideration. There is no magnet like the lure of placer gold to hold the prospector in its embrace and focus his undivided attention upon the vision of his dreams.

Factors that have militated against agricultural development in the Territory are ocean travel from Seattle to the coast of Alaska, expense of travel, cost of developing a farm where prices are fixed largely by the wages paid in the mining camps, the ever-present fear of being a long ways from the old home in the States, and fear of cold in northern latitudes. Then, too, the Alaskan merchant has not found it convenient to nurse an infant industry when markets in the States offer merchandise with attractive trade names especially prepared for the Alaskan consumer. There is nothing strange or peculiar about this situation, for it is exactly what has happened in rolling back the western frontier.

In interior Alaska and at 64°51'21" north latitude is located the University of Alaska, 3 miles distant from Fairbanks, the interior terminus of the Alaska Railroad, 470 miles from its ocean terminus at Seward. This institution opened in 1922 and is the last land-grant college to be established. Five years ago the United States agricultural experiment stations at Fairbanks and Matanuska were transferred to this institution.

Diversified farming on the university farm is telling the story of what Alaska can do to produce her own food supplies. Three tons per acre of dry oat and pea hay are not unusual. A 6-acre field produced 360 bushels of fully matured oats. Pigs 205 days old and dressing 175 pounds was the record a year ago. For the months of December and January the income of the farm was over $600 per month for milk at 15 cents per quart. All kinds of hardier vegetables are always a splendid crop. Oats, barley, wheat, and rye are dependable crops. Results obtained last year in experimental station work are typical; at the Matanuska station five different varieties of potatoes yielded an average of 19,000 pounds per acre; at the Fairbanks station a 3-acre field of potatoes yielded 37,000 pounds, and 3-acre fields of oat, pea, and vetch hay yielded 8,500, 9,600, and 9,700 pounds, respectively.

During the fiscal year ending June 30, 1934, Alaska imported farm products to the amount of $2,850,000. Of this amount, the value of milk, butter, and cheese totaled the sum of $725,000. Other interesting items are eggs, $346,000; potatoes, $121,500; canned vegetables, $275,000; and meats to the amount of $870,000. Alaska can and ought to produce at least three-fourths of the above-listed imports, but even if she produced only one-fourth it is apparent she needs several hundred farmers busily engaged in supplying her own market.

When the President of the United States finally decided upon an agricultural project for Alaska it was because he could see the importance of developing a basic industry in Alaska capable of furnishing food for her people. The plan is fundamentally sound. Its measure of success depends largely upon the human equation, adequate transportation facilities, coordination between production and distribution, and efficient management. The University of Alaska is placing at the disposal of the colonists the benefits of years of research in its agricultural experiment stations, and to assist them in solving their farm and home problems trained Extension Service workers are providing an indispensable service. It has been stated time and time again, not only from the public platform but through the press, that Alaska is capable of supporting many, many times her present population. The President of the United States is fully justified in relying upon these statements. They are correct.

Alaska possesses a vast domain in the Matanuska and Tanana Valleys suitable for agricultural development. She has not only a cash market, but a market by virtue of the long haul from the States and high freight rates marvelously protected. These factors operate most advantageously in favor of the farmer.

The great highway and the great airway to connect the United States and the Orient, will be through interior Alaska. Highways, railroads, and aviation are solving Alaska's transportation problems. The old Alaska yields to the new order of things. It is a matter of more than ordinary concern that this vast Northland be prepared to produce from her own fields the major part of her own food requirements.

Very truly yours,

CHARLES E. BUNNELL,
President, University of Alaska.

JAPANESE EXPORTS OF COTTON CLOTH

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

Mr. BANKHEAD. Mr. Speaker, of course, I shall not object to this request, but I trust no other requests will be made.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I think Japan must be very much amused, very much pleased with our State Department. She enters into an agreement through the State Department with this country to curtail or limit her exports of cotton cloth to this country, and after this gentlemen's agreement she increases her exports of cotton cloth to our country.

Mr. Speaker, I call the attention of the House, and particularly our southern Members, to the fact that there was a decline of 65 percent in our exports of cotton bales in February 1936 compared to January 1936. Japan bought 65 percent fewer bales of cotton in February than it did in January of this year.

The following table shows the exports of cotton from the United States to Japan:

	1934	1935	1936
	Bales	*Bales*	*Bales*
Total	1,737,000	1,515,000	
January		149,000	156,000
February		98,000	55,000
Total for January and February		247,000	211,000

February 1936, compared with January 1936, decline of 65 percent; February 1936, compared with February 1935, decline of 44 percent; January 1936, compared with January 1935, increase of 4.7 percent; January and February 1936, compared with January and February 1935, decline of 15 percent.

The House will note that not only does Japan export and sell more cotton cloth to us, but it buys less raw cotton from us. The administration has said in effect we must be very careful not to limit Japan too much in her exports of cot-

ton cloth to us for fear that she will not buy our raw cotton. What a joke Japan has played upon us.

Mr. Speaker, it is high time the House took action, as, obviously, the State Department will not take such action. I, among other Members of Congress, have repeatedly literally begged the State Department to protect the great cotton industry. All we secure are vague promises. If the State Department is so weak and impotent, certainly Congress need not and must not be. The day of reckoning will surely come when Members must answer to their constituents for idly throwing away a great industry like the cotton textile industry which employs thousands of people in both the raw and finished product.

Mr. Speaker, I also should like you to know how extremely sorry I am, as a Member from New England, that Judge OLIVER, of Alabama, will not be able to return to the House due to illness.

Mr. CONNERY. Mr. Speaker, will the gentlewoman from Massachusetts yield?

Mrs. ROGERS of Massachusetts. Very gladly.

Mr. CONNERY. I gather from the remarks of the gentlewoman from Massachusetts that she would be pleased to support the bill I have before the Ways and Means Committee, which provides that whenever the total landed cost of any article or commodity entering the United States is less than the cost of production, such article shall be barred from the United States.

Mrs. ROGERS of Massachusetts. I shall be very pleased to assist the gentleman, because we must protect our trade.

Mr. McFARLANE. Mr. Speaker, will the gentlewoman from Massachusetts yield for another question?

Mrs. ROGERS of Massachusetts. I am very sorry, but I only have 1 minute, and I wish to express my appreciation of Judge OLIVER.

Before his illness, Mr. Speaker, he was always tireless in his work in the development of trade, not only in his own southland, but in our northland, in the West and in foreign countries, and as a northerner, and as a Yankee, Mr. Speaker, I cannot tell you how much this means to us in New England.

[Here the gavel fell.]

SOIL CONSERVATION PROGRAM IN THE SOUTHERN REGION FOR 1936

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a portion of an informative series of questions and answers prepared by the Department of Agriculture relating to the soil-conservation program in the southern region.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CALDWELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a portion of an informative series of questions and answers compiled by the Department of Agriculture for the purpose of illustrating the operation of the new soil-conservation program in the southern region for 1936, as follows:

PURPOSES OF THE PROGRAM

1. Q. What are the objectives of the 1936 soil-conservation program?—A. The objectives stated in the act for 1936 are: (1) To preserve and improve soil fertility; (2) to promote the economic use and conservation of land; (3) to reduce the exploitation, wasteful, and unscientific use of soil resources; (4) to protect rivers and harbors against the results of soil erosion.

2. Q. How will the 1936 soil-conservation program bring about soil conservation and improvement?—A. By encouraging farmers to plant soil-building and soil-conserving crops and to adopt soil-building and soil-conserving practices.

10. Q. Why was a new national program for agriculture formulated?—A. The provisions of the Agricultural Adjustment Act which authorized production control were declared unconstitutional by the Supreme Court on January 6, 1936. The Congress and farmers felt that another national program was necessary to maintain gains already made and to conserve and improve the soil.

11. Q. Will the Secretary of Agriculture enter into contracts with producers under the soil-conservation program?—A. No. Cooperation by producers must be purely voluntary.

12. Q. Where can a producer obtain information about the program?—A. From county extension offices and the county and community committees.

PUTTING THE PROGRAM INTO OPERATION

14. Q. Do producers have any voice in the administration of the program—A. Yes. Through membership in the county association.

15. Q. Who are members of the county association?—A. Any person owning or operating a farm, the homestead or the farm-operating headquarters of which is situated in the county, is considered a member, but any person shall cease to be a member if he fails to file a work sheet within the period specified by the Secretary for filing such work sheet or fails to qualify for a grant.

16. Q. Who is entitled to vote at meetings of the association?—A. Only members of the association.

17. Q. What is the county committee?—A. The county committee is composed of three members who must be members of the association and must have been previously elected chairmen of their respective community committees.

18. Q. What are the duties of the county committee?—A. The duties are as follows:

(1) Review all documents filed with them and make recommendations to the Secretary;

(2) Hold hearings and conduct such investigations as may be necessary in the performance of its duties; and

(3) Perform such other duties as may be prescribed by the Secretary.

19. Q. What is the community committee?—A. The community committee is composed of three members elected from the members of the association living in the respective community.

20. Q. What are the duties of the community committee?—A. The duties are as follows:

(1) Assist in preparing, checking, receiving, and approving all documents submitted by producers;

(2) Make recommendations for payments; and

(3) Ascertain and report when requested by the county committee the total acreage and production of soil-depleting crops and acreage utilization of land on farms, and obtain such other data as may be necessary.

22. Q. What are the principal forms to be used in 1936 for the soil-conservation program by producers?—A. (1) A work sheet, giving the location of the farm and use of the land in 1935.

(2) An application for a grant at a later date, showing the use of the land in 1936, and a certificate of performance.

23. Q. What is the purpose of the work sheet?—A. The purpose of the work sheet is to obtain a survey of farming conditions and practices and to help the producer plan his farming operations so that he may participate in the soil-conservation program for 1936.

24. Q. Who may fill out the work sheet?—A. Any producer who is an owner, landlord, cash tenant, standing or fixed-rent tenant, or share tenant operating the entire farm.

25. Q. What is done with work sheets after the producers have submitted them?—A. They are turned over to the community and county committees.

26. Q. Can an owner or landlord submit a work sheet covering a farm being operated by a cash tenant, or standing or fixed-rent tenant?—A. No.

27. Q. Should a producer who owns, operates, or controls more than one farm in the same county submit a work sheet covering each of his farms?—A. Yes.

28. Q. May a share tenant who is renting land from two or more owners or landlords sign a work sheet covering all such land?—A. No; but if work sheets are filed a work sheet covering each tract of land must be filed.

29. Q. If the producer's farm is mortgaged, must the person holding the mortgage sign the work sheet or application?—A. No.

30. Q. If a farm has been purchased on installments for cash or fixed commodity payments should the seller of the farm sign the work sheet or application?—A. No.

31. Q. In the event the farm is located in more than one county, in which county should the work sheet and application be submitted?—A. They should be submitted in the county in which the farm-operating headquarters is located, or, in the absence of headquarters on the farm, in the county in which the major part of the farm is located.

DEFINITIONS

32. Q. What is meant by "crop land"?—A. "Crop land" means all land from which any crop (other than wild hay) was harvested in 1935, together with all other farm land which is tillable and from which at least one crop (other than wild hay) has been harvested since January 1, 1930.

33. Q. What is meant by the term "owner"?—A. With reference to the 1936 program, "owner" means a person who actually owns land which is not rented to another for cash or a fixed commodity payment; a person who rents land from another for cash or for a fixed commodity payment, or who is purchasing land on installments for cash or a fixed commodity payment.

34. Q. What is meant by the term "share tenant"?—A. A person other than the owner or sharecropper who is operating an entire farm without direct supervision of the owner and who is entitled to a portion of the crops produced on the farm or the proceeds thereof.

35. Q. What is meant by the term "sharecropper"?—A. "Sharecropper" means a person who works a farm in whole or in part and who received for his labor a proportionate share of the crops produced thereon or the proceeds thereof.

36. Q. What is meant by the term "farm"?—A. "Farm" means all tracts of farm land in the same county, under the same ownership, and operated in 1936 as all or a part of a single farming unit by the same operator.

37. Q. What is meant by "producer unit"?—A. The term "producer unit" means any tract of land (whether a whole farm or a subdivision thereof) on which one or more crops are planted and which is operated by (1) landowner, cash tenant, or standing-rent (or fixed-rent) tenant, with his own labor or with hired labor other than sharecroppers; or (2) a share tenant without the aid of any sharecropper; or (3) a sharecropper.

38. Q. What is meant by the term "grant"?—A. With reference to the 1936 program, "grant" means payment to farmers under the Soil Conservation and Domestic Allotment Act.

CROP CLASSIFICATION

39. Q. What are the soil-depleting crops on which payments may be made for acreage diversion?—A. The following crops are soil-depleting crops on which payments may be made for acreage diversion: (1) Corn (including broom corn and sweet corn); (2) cotton; (3) tobacco; (4) Irish potatoes; (5) sweet potatoes; (6) rice; (7) sugarcane; (8) commercial truck and canning crops, including melons and strawberries; (9) peanuts, if harvested as nuts; (10) grain sorghum, sweet sorghums, and millets; (11) small grains harvested for grain or hay (wheat, oats, barley, rye, and small-grain mixtures); (12) soybeans, if harvested for crushing.

40. Q. What are the approved soil-building crops?—A. The following crops are classified as soil-building: (1) Annual winter legumes, including vetch, winter peas, bur and crimson clover, turned under as a green manure crop; (2) biennial legumes, including sweet and alsike clover; perennial legumes, including alfalfa, kudzu, sericea, and annual varieties of lespedeza; (3) summer legumes, including soybeans, velvet beans, crotalaria, and cowpeas, if forage is left on the land; (4) winter cover crops, including rye, barley, oats, and small-grain mixtures turned as green manure and followed in the summer by an approved soil-conserving crop; (5) forest trees, when planted on crop land in 1936.

41. Q. What are the approved soil-conserving crops?—A. The following crops are classified as soil-conserving: (1) Annual winter legumes, including vetch, winter peas, bur and crimson clover; biennial legumes, including sweet and alsike clover; perennial legumes, including alfalfa, kudzu and sericea, with or without such nurse crops as rye, oats, wheat, barley, or grain mixtures, when such nurse crops are pastured or clipped green; summer legumes, including soybeans except when produced for seed for crushing, velvet beans, crotalaria, cowpeas, and annual varieties of lespedeza; (2) peanuts when pastured; (3) perennial grasses, including Dallis, redtop, orchard, Bermuda, carpet, or grass mixtures, and Sudan grass, with or without such nurse crops as rye, oats, wheat, barley, or grain mixtures, when such nurse crops are pastured or clipped green; (4) winter cover crops, including rye, barley, oats, and small-grain mixtures, winter pastured or not, and turned as green manure; or if harvested and followed by summer legumes; (5) crop acreage planted to forest trees since January 1, 1934.

42. Q. What uses of land are classed as neither soil-depleting, soil-building, nor soil-conserving, and which cannot be counted in establishing bases?—A. (1) Vineyards, treefruits, small fruits, or nut trees (not interplanted; if interplanted, such acreage shall carry the classification and actual acreage of the intercrop grown); (2) idle crop land (where, due to unusual weather conditions, crop land was left idle in 1935, it may be reclassified upon the recommendation of the State committee and approval of the Secretary); (3) cultivated fallow land, including clean cultivated orchards and vineyards (cultured fallow land may be otherwise classified upon recommendation of the State committee and approval of the Secretary); (4) wasteland, roads, lanes, lots, yards, etc.; (5) woodland, other than that planted at owner's expense since January 1, 1934.

43. Q. What are the approved soil-building and soil-conserving practices?—A. A list of practices will be recommended by the State committee and approved by the Secretary of Agriculture.

45. Q. How will the acreage of corn interplanted with legumes be regarded?—A. The acreage of corn which is interplanted with legumes will be regarded as 50 percent corn acreage and 50 percent legume acreage. Thus, 30 acres of corn interplanted with legumes will be classed as 15 acres of corn and 15 acres of legumes. This rule applies also to the acreage of other soil-depleting crops interplanted with legumes.

46. Q. Will the acreage classed as corn when corn is interplanted with legumes be classed as a soil-depleteing crop?—A. Yes. However, the producer will not be penalized for any increase in his corn acreage when corn is grown for food for carrying on the normal operation of the farm.

47. Q. Will there be any deduction for increases in food and feed crops?—A. No deduction will be made with respect to any food or feed crop unless they are grown in excess of the home-consumption needs for the farm.

ESTABLISHMENT OF BASES

48. Q. What is the first thing an individual farmer must do who intends to participate in the soil-conservation program for 1936?—A. He may, with the help of a committeeman, determine the soil-depleting base for his farm.

49. Q. How will the soil-depleting base be determined?—A. This base will be the acreage in soil-depleting crops (except for cotton, tobacco, rice, peanuts, and sugarcane) on the farm in 1935 unless it is determined that such acreage is not in accordance with the general farming practices in the locality, in which case adjustments may be made, and further adjustments will be made for rented acres used for soil-depleting crops in 1935.

50. Q. How is the base cotton acreage for a farm determined?—A. The base cotton acreage will be determined in accordance with instructions issued by the director of the southern region, and approved by the Secretary. Such determination will be arrived at in essentially the same manner as the base cotton acreage would have been under the proposed 1936 agricultural-adjustment program.

51. Q. How is the base tobacco acreage for a farm determined?—A. The base tobacco acreage will be the base acreage which was provided for under the proposed 1936 agricultural-adjustment program.

52. Q. How will the base peanut acreage for a farm be determined?—A. The base peanut acreage will be determined essentially in the same manner as it would have been determined under the proposed 1936 agricultural-adjustment program.

58. Q. Will the planting of lands in soil-building crops in the 1935 adjustment program be taken into account in determining the base acreage for a farm?—A. Yes.

59. Q. If a crop is planted in the fall of one calendar year for harvest in the succeeding calendar year, which year shall be used in designating the acreage planted to such crop?—A. The calendar year during which the crop is harvested should be used.

60. Q. What types of payments will be made to producers?—A. (1) Soil-building payments; (2) soil-conserving payments.

61. Q. What provisions have been made concerning food and feed crops grown on the farm for home consumption?—A. No payment will be made in connection with shifting land out of food and feed crops unless such crops are produced in excess of home needs.

63. Q. For what are soil-conserving payments made?—A. These payments will be made for diverting acreage from soil-depleting crops to soil-building and soil-conserving crops and for approved soil-building and conserving practices.

64. Q. What is the rate of soil-conserving payments?—A. The rate of the soil-conserving payment for diversion from soil-depleting crops, other than cotton, tobacco, peanuts, rice, and sugarcane, varies among States, counties, and individual farms according to the productivity of the land, but the average for the United States will be around $10 per acre.

65. Q. Will a producer be required to have a minimum acreage of soil-conserving crops in order to receive payment?—A. Yes. No payment is to be made on any farm unless the total acreage of soil-conserving crops and soil-building crops on crop land on the farm in 1936 equals or exceeds either (a) 20 percent of the base acreages of all soil-depleting crops for the farm, or (b) the maximum acreage with respect to which soil-conserving payments may be made on the farm.

66. Q. What is the rate of soil-conserving payment for diverting acreage from the production of cotton?—A. Payment will be at the rate of approximately 5 cents for each pound of the normal yield of lint cotton per acre.

67. Q. What is the maximum acreage diversion with respect to cotton on which payment may be made?—A. Thirty-five percent of the base cotton acreage for the farm, except that payment cannot be made in any county on more than 25 percent of the total of the base cotton acreages for all farms in the county.

68. Q. What is the rate of the soil-conserving payment for each acre diverted from the production of tobacco?—A. (1) Five cents per pound of the normal yield for flue cured or Burley, (2) six cents per pound of the normal yield for Georgia-Florida type 62, (3) three cents per pound of the normal yield for Georgia-Florida type 45, or any other kind of tobacco.

69. Q. What is the maximum acreage with respect to which payment on tobacco will be made?—A. Thirty percent of the base tobacco acreage of the farm.

70. Q. What is the rate of soil-conserving payment for acreage diversion on harvested peanuts?—A. One and one-fourth cents for each pound of the normal yield per acre for the farm.

71. Q. What is the maximum acreage diversion with respect to peanuts harvested as nuts for which payment will be made?—A. Twenty percent of the base peanut acreage for the farm.

75. Q. Why may the rate of the soil-conserving payment vary from the basic rate specified?—A. The rates specified are based upon an estimate of available funds and an estimate of approximately 80-percent participation by farmers. If participation in any region exceeds the estimate for that region, all the rates specified for such region may be reduced pro rata. If participation is less than the estimate for the region the rates may be increased pro rata. As has been stated, in no case will the rates be increased or decreased more than 10 percent.

76. Q. What are the approved uses which may be made of the land diverted from the production of soil-depleting crops?—A. The approved uses are as follows: (1) Planting soil-building crops, (2) planting soil-conserving crops, (3) following approved soil-building practices.

77. Q. For what are soil-building payments made?—A. These payments will be made for planting approved soil-building crops or carrying out approved soil-building practices.

78. Q. Will soil-building payments be made for planting approved soil-conserving crops?—A. No.

79. Q. What is the rate of the soil-building payment for planting approved soil-building crops?—A. The rate is determined by the State committee for each State and approved by the Secretary.

80. Q. What is the rate of the soil-building payment for putting into effect approved soil-building or soil-conserving practices?—A. The rate is determined by the State committee for each State and approved by the Secretary.

81. Q. Is there a limit on the soil-building payment for a farm?—A. Yes. The total soil-building payment for each farm cannot exceed $1 for each acre of crop land on the farm used in 1936 for soil-building and soil-conserving crops; except that the soil-building payment to farms having less than 10 acres in such crops may exceed $1 for each such acre, but the total payment in such cases cannot exceed $10 for the farm.

82. Q. May the State committee recommend a soil-building payment at a rate in excess of $1 per acre of each acre planted to soil-building crops or devoted to soil-building practices?—A. Yes. But the total soil-building payment to the farm cannot exceed $1 for each acre of soil-building and soil-conserving crops, or $10 for the farm, whichever is greater.

83. Q. How does the acreage in soil-conserving crops affect the soil-building payment?—A. The acreage in soil-conserving crops plus the acreage of soil-building crops sets the limit of the total soil-building payment that may go to the individual farm.

84. Q. To whom will the soil-building payment be made?—A. To the producer who incurred the expense with reference to soil-building crops or practices. Where two or more producers incur the expense, the soil-building payment shall be divided equally between them.

85. Q. How will the soil-conserving payment be divided?—A. The soil-conserving payment will be divided as follows: (a) 37½ percent to the producer who furnishes the land; (b) 12½ percent to the producer who furnishes the work stock and equipment; (c) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1936 in those soil-depleting crops, or the proceeds thereof, with respect to which the soil-conserving payment is made.

86. Q. Will there be any exception to this rule in the southern region?—A. Yes. The State commitee may recommend a variation in the rule, and it will be followed if approved by the Secretary.

87. Q. If a producer increases his acreage planted to any soil-depleting crop above the base acreage established for such crop, may he still receive payments?—A. He may receive payments if he has qualified, but an amount will be subtracted from his total payment equal to the soil-conserving payment for the excess acreage, on the same basis that he would have received for diverting the same number of acres. This would not apply, however, if the excess acreage were used for the production of food and feed crops for home consumption.

88. Q. When will payments be made?—A. As soon as possible after the producer has made application and has established proof that he has met the conditions of the grant.

89. Q. In case there are two or more persons entitled to receive payment, will payment be made to each person?—A. Yes. Payment will be made by check drawn payable to each individual, owner, landlord, operator, or tenant.

92. Q. Can a producer pledge anticipated payments?—A. No. However, he will be permitted to designate a joint payee at the time the certificate of performance is executed. No document other than a properly executed certificate of performance in which a joint payee is indicated will be recognized. No agreement indicating pledge or assignment will be recognized.

93. Q. Can claims for payments be assigned?—A. No.

ADMINISTRATION

95. Q. What Federal agency will be in charge of the soil-conservation program for 1936?—A. The Agricultural Adjustment Administration of the United States Department of Agriculture.

96. Q. How is each producer's acreage and production determined?—A. From his own reports, which are checked by the community and county committees.

97. Q. Is any evidence of production required?—A. If there is any question as to the accuracy of the producer's figures, records may be called for as proof of production.

98. Q. What is the purpose of the county association?—A. Its purpose is to put the soil-conservation program into successful operation.

101. Q. Will a producer be given the privilege of appealing from the decision of the county committee?—A. Yes. Appeals from the decision of the county committee may be made in accordance with instructions to be issued by the Secretary.

SELF-RESPECT OF TEACHERS SHOULD BE ENCOURAGED; LIBERTIES PRESERVED

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

TEACHERS HAVE RIGHT TO ORGANIZE—LIKE BANKERS

Mr. MAVERICK. Mr. Speaker, big business, bankers, industrialists have always been organized. Why not teachers? I believe that teachers should comply with the laws of the country; that they should obey rules and regulations—but that they should not be humiliated or persecuted and they should be free people and enjoy the same rights and immunities under the Constitution as other people do.

STUDENTS—THE CHILDREN MOST IMPORTANT IN EDUCATION

What is the most important factor in education? The students, of course. This makes it necessary that teachers have a right to teach. This, in turn, necessitates full liberty of speech; and that is what they call "academic liberty." We should have self-respecting teachers for our children—teachers who are free, who are unfettered, and who will tell the truth.

And I make no bones about the fact that I believe that they should be well-organized to protect their interests.

Civil-service employees in the Government have their own organizations. Many of them are members of the American Federation of Labor and other labor organizations. At any rate, they enjoy protection in their employment, in the matter of social legislation, and pensions.

RIGHT TO TEACH TRUTH SHOULD BE PROTECTED

The teaching profession of this country should, therefore, vigorously defend its right to teach. At the same time they should protect their own jobs and their own future.

PERMISSION TO ADDRESS THE HOUSE

Mr. BLANTON. Mr. Speaker, I ask to proceed for about 3 minutes.

The SPEAKER. Is there objection?

Mr. SNELL. After the announcement by the majority leader, if we are going to have any more speeches I think we ought to have a quorum.

Mr. BLANTON. Let me say to the gentleman that I got permission from the majority leader.

Mr. SNELL. But the gentleman did not get permission from me. [Laughter.]

Mr. BLANTON. Well, Mr. Speaker, since the minority leader objects I ask unanimous consent for leave to extend my remarks in the RECORD. I do not want to throw any monkey wrenches into the proceedings.

Mr. SNELL. Mr. Speaker, for fear there will be monkey wrenches thrown into the proceedings, I object.

Mr. BLANTON. Very well, there will be no more unanimous consents for awhile on your side of the aisle.

BOARD OF VISITORS—UNITED STATES MILITARY ACADEMY

The SPEAKER laid before the House the following communication.

The Clerk read as follows:

APRIL 1, 1936.

Hon. JOSEPH W. BYRNS,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of May 17, 1928 (U. S. C., title 10, sec. 1052a), I have appointed the following members of Committee on Military Affairs of the House as members of the Board of Visitors to the United States Military Academy: LISTER HILL of Alabama; ANDREW J. MAY, Kentucky; EWING THOMASON, Texas; CHARLES I. FADDIS, Pennsylvania; MATTHEW J. MERRITT, New York; CHARLES A. PLUMLEY, Vermont; DEWEY SHORT, Missouri; L. C. ARENDS, Illinois.

Respectfully yours,

J. J. MCSWAIN, *Chairman.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNN of Mississippi (at the request of Mr. BANKHEAD), for 1 week, on account of illness in his family.

To Mr. LUCAS, for 2 weeks, on account of important business.

To Mr. KRAMER, until Wednesday next, on account of death in family.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p. m.) the House, under its previous order, adjourned until Monday, April 6, 1936, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

761. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1936, submitting a report, together with accompanying papers on a preliminary examination of Lake

Champlain, Vt., with a view to reopening the channel between East Alburg and West Swanton, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

762. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1936, submitting a report, together with accompanying papers on a preliminary examination of Keaton Beach, Taylor County, Fla., and Keaton Beach Harbor, Fla., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

763. A letter from the Assistant Secretary of Commerce, transmitting part two of the Annual Report of the Commissioner of Lighthouses for the fiscal year ended June 30, 1935; to the Committee on Merchant Marine and Fisheries.

764. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 31, 1936, submitting a report, together with accompanying papers on a preliminary examination of Port Orford, Oreg., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

765. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1936, submitting a report, together with accompanying papers, on a preliminary examination of Mississippi Sound in the vicinity of Pass Christian, Miss., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COX: Committee on Rules. House Resolution 475. Resolution providing for the consideration of Senate Joint Resolution 234 authorizing the Senate Special Committee on Investigation of Lobbying Activities to employ counsel in connection with certain legal proceedings, and for other purposes; without amendment (Rept. No. 2366). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. House Joint Resolution 525. Joint resolution to enable the United States Constitution Sesquicentennial Commission to carry out and give effect to certain approved plans, and for other purposes; with amendment (Rept. No. 2368). Referred to the Committee of the Whole House on the state of the Union.

Mr. WERNER: Committee on Indian Affairs. S. 1318. An act to authorize the Secretary of the Interior to investigate and adjust irrigation charges on irrigation lands within projects on Indian reservations, and for other purposes; with amendment (Rept. No. 2369). Referred to the Committee of the While House on the state of the Union.

Mr. COSTELLO: Committee on Military Affairs. H. R. 8784. A bill to authorize the Secretary of War or the Secretary of the Navy to withhold the pay of officers, warrant officers, enlisted men, and nurses of the Army, Navy, or Marine Corps to cover indebtedness to the United States under certain conditions; with amendment (Rept. No. 2370). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTWRIGHT: Committee on Roads. H. R. 11687. A bill to amend the Federal Aid Highway Act approved July 11, 1916, as amended and supplemented, and for other purposes; with amendment (Rept. No. 2371). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PLUMLEY: Committee on Military Affairs. H. R. 10785. A bill for the relief of John B. H. Waring; without amendment (Rept. No. 2367). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GAMBRILL: A bill (H. R. 12158) to authorize a preliminary examination of the Patuxent River and its tributaries in the State of Maryland with a view to the control of its floods; to the Committee on Flood Control.

By Mr. MAAS: A bill (H. R. 12159) to amend section 3 of the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith", approved June 24, 1926 (44 Stat. 764); to the Committee on Naval Affairs.

By Mr. STUBBS: A bill (H. R. 12160) to amend the Tariff Act of 1930, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. BOLAND: A bill (H. R. 12161) to impose taxes on fuel oil; to the Committee on Ways and Means.

By Mr. COLMER: A bill (H. R. 12162) to create an additional division of the United States District Court for the Southern District of Mississippi to be known as the Hattiesburg division; to the Committee on the Judiciary.

By Mr. FERGUSON: A bill (H. R. 12163) relative to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas; to the Committee on the Public Lands.

By Mr. ELLENBOGEN: A bill (H. R. 12164) to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the development of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes; to the Committee on Banking and Currency.

By Mr. AYERS: Joint resolution (H. J. Res. 557) authorizing distribution to the Gros Ventre Indians of the Fort Belknap Reservation, Mont., of the judgment rendered by the Court of Claims in their favor; to the Committee on Indian Affairs.

By Mr. CROWTHER: Joint resolution (H. J. Res. 558) authorizing and requesting the President to extend to governments and individuals an invitation to join the Government and the people of the United States in the observance of the three hundredth anniversary of the founding of Harvard University, whereby higher education was first begun in the United States; to the Committee on the Library.

By Mr. JENKINS of Ohio: Joint resolution (H. J. Res. 559) to provide funds for the repair of damages to highways caused by frosts, to relieve unemployment, and for other purposes; to the Committee on Appropriations.

By Mr. MARCANTONIO: Joint resolution (H. J. Res. 560) to authorize the Secretary of State to appoint a board of inquiry to ascertain the facts with respect to the conduct of the American Embassy to Brazil in connection with the death of Victor A. Barron, an American citizen; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROSS of Texas: A bill (H. R. 12165) for the relief of Earl J. Thomas; to the Commitee on Pensions.

By Mr. HANCOCK of New York: A bill (H. R. 12166) for the relief of Mary Daley; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10668. By Mr. FULMER: Concurrent resolution of the State Legislature of South Carolina, urging the passage of legislation that will refund to cotton farmers the taxes levied and collected under the Bankhead Act; to the Committee on Agriculture.

10669. By the SPEAKER: Petition of the Community Councils of the City of New York, Inc.; to the Committee on the Judiciary.

10670. Also, petition of Gardner Townsend Club, No. 1, Gardner, Mass.; to the Committee on Ways and Means.

SENATE

SATURDAY, APRIL 4, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, April 3, 1936, was dispensed with, and the Journal was approved.

VOTE ON PASSAGE OF PACKERS AND STOCKYARDS BILL—CORRECTION

Mr. LEWIS. Mr. President, I am informed that there is an erroneous statement in the RECORD, on page 4804, in connection with the vote on Thursday last on the passage of the bill (S. 1424) to amend the Packers and Stockyards Act, 1921. The Senator from Nevada [Mr. MCCARRAN], who is now ill, requests me to state that, while it was announced that he was paired and if present would vote "nay" on the passage of the bill, if he had been able to be present he would have voted "yea."

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Johnson	Overton
Ashurst	Clark	Keyes	Pittman
Austin	Connally	King	Pope
Bachman	Coolidge	La Follette	Radcliffe
Bailey	Copeland	Lewis	Reynolds
Barbour	Couzens	Logan	Robinson
Barkley	Davis	Lonergan	Schwellenbach
Benson	Donahey	Long	Sheppard
Bilbo	Duffy	McGill	Shipstead
Black	Fletcher	McKellar	Smith
Bone	Frazier	McNary	Steiwer
Borah	Gibson	Maloney	Thomas, Okla.
Brown	Glass	Minton	Thomas, Utah
Bulkley	Guffey	Moore	Truman
Bulow	Hale	Murphy	Tydings
Byrd	Harrison	Murray	Vandenberg
Byrnes	Hastings	Neely	Van Nuys
Capper	Hatch	Norris	Wagner
Caraway	Hayden	Nye	Walsh
Carey	Holt	O'Mahoney	Wheeler

Mr. HATCH. I announce the absence of my colleague [Mr. CHAVEZ], who has been called to New Mexico by the serious illness of his mother. I ask that the announcement stand for the day.

Mr. LEWIS. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. MCADOO], and the Senator from Florida [Mr. TRAMMELL] are absent because of illness; and that the junior Senator from Georgia [Mr. RUSSELL], my colleague the junior Senator from Illinois [Mr. DIETERICH], the Senator from Nevada [Mr. MCCARRAN], the Senator from Oklahoma [Mr. GORE], the Senator from Nebraska [Mr. BURKE], and the senior Senator from Georgia [Mr. GEORGE] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON], the Senator from Rhode Island [Mr. METCALF], the Senator from Maine [Mr. WHITE], and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed a bill (H. R. 12098) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1937, and for other purposes, in which it requested the concurrence of the Senate.

NONFEDERAL PROJECTS NOT FINALLY DISAPPROVED (S. DOC. NO. 193)

The VICE PRESIDENT laid before the Senate a letter from the Federal Emergency Administrator of Public Works, submitting, in response to Senate Resolution 271 (by Mr. HAYDEN, agreed to Mar. 31, 1936), a list of pending non-Federal projects for which no allocations have been made by the Federal Emergency Administration of Public Works and which have not been finally disapproved by such Administration as of March 31, 1936, which, with the accompanying report, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was ordered to lie on the table:

A concurrent resolution expressing faith and confidence in Hon. J. J. MCSWAIN, Congressman from the Fourth Congressional District

Whereas it appears from various news items that during recent months there have been political attacks made upon the Honorable J. J. MCSWAIN, Congressman from the Fourth Congressional District of this State, such attacks carrying insinuations and innuendoes to the effect that Congressman MCSWAIN is of communistic leanings and that his patriotism is questioned; and

Whereas the people of this State know that such attacks upon Congressman MCSWAIN are absolutely without any foundation whatsoever, and that his patriotism is above reproach and that in his private and public life he has at all times demonstrated that he is a deep advocate of true Americanism in accordance with the plan of our form of government: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the general assembly of this State condemns the attacks that have been made on Congressman MCSWAIN and unequivocally state that he is a man of the highest type, reflecting the ideal of true Americanism; be it further

Resolved, That a copy of these resolutions be sent to the presiding officers of the United States Senate and the National House of Representatives, and that a copy also be sent to the Secretary of War and to the Honorable J. J. MCSWAIN.

The VICE PRESIDENT also laid before the Senate a resolution of the Council of the City of Cleveland, Ohio, favoring the making of a $1,500,000,000 work-relief appropriation for the next fiscal year, which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from Hon. Quintin Paredes, Resident Commissioner of the Philippines, transmitting copies of radiograms addressed to the Secretary of War by the United States High Commissioner to the Philippines, containing requests of the Philippine Coconut Planters Association and an assembly representing coconut producing Provinces in the Philippines, for the enactment of legislation to repeal the excise tax on importations of coconut oil from the Philippines used for soap-making purposes, which, with the accompanying papers, was referred to the Committee on Finance.

He also laid before the Senate a resolution of United States Department of Agriculture Post, No. 36, the American Legion, of Washington, D. C., endorsing the so-called Reynolds alien deportation bill, being the bill (S. 4011) to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by the Parliament of Community Councils of the City of New York, N. Y., endorsing the so-called Costigan-Wagner antilynching bill, which was ordered to lie on the table.

Mr. CAPPER presented a petition signed by 367 citizens, being railroad employees of the State of Kansas, praying for the enactment of legislation to amend section 4 of the Interstate Commerce Act, which was referred to the Committee on Interstate Commerce.